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ACTS

PASSED AT THE FIRST SESSION

OF THE

FIFTH GENERAL ASSEMBLY

OF THE

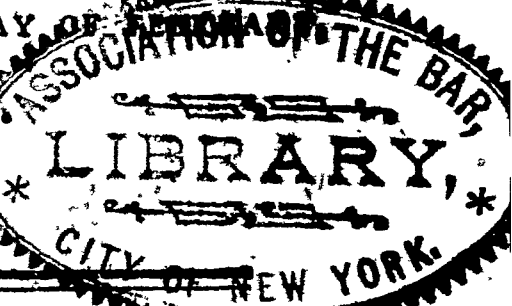
MISSISSIPPI TERRITORY,

BEGUN AND HELD AT THE TOWN OF

WASHINGTON,

ON THE _____ DAY OF _____

180



NATCHEZ: Printed by JOHN SHAW,
PRINTER TO THE MISSISSIPPI TERRITORY.

.....
1810.

51729



ACTS PASSED,

1809.

AN ACT

To amend " An Act regulating the mode of summoning Jurors. and for other purposes.

SECTION 1st. **B**E it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in general assembly convened, That whenever any Circuit Court shall not have been holden in any County in this Territory as required by Law, or if when held, they should neglect to have drawn the number of Jurors required by law for that County, the Sheriff of the county where such failure may happen, shall in the presence of one of the Territorial Judges in vacation proceed to draw one by one from the Jury box, the number of Jurors required for such County, and the Clerk shall issue a Venire facias for the Jurors so drawn, returnable to the next term in the same manner as though the Jury had been drawn in open court as is required by Law: Provided nevertheless, that the Sheriff and Clerk of the county of Claiborne be authorized in the presence of one of the Justices of the quorum to draw from the Jury box of said

county as soon as may be, the number of Jurors required by law to serve as Jurors at the next term of the Circuit Court of said county, and the Clerk of said court shall issue a Venire facias for the Jurors so drawn as in other cases.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.
DANIEL BURNET, *President*
of the Legislative Council.

Approved February 21, 1809,

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

For the division of Wilkinson County, and for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the County of Wilkinson shall be divided as follows, to wit: Beginning at the thirty mile post, East of the Mississippi River on the line of Demarkation, and running with the township line, due North until it intersects the line of Adams county, thence with the said line East to the line of Washington county, thence along said line to the aforesaid line of Demarkation, thence West along the said line to the place of beginning; and all that country lying East of the dividing line shall compose one county by the name of Amite.

SEC. 2d. *And, be it further enacted,* That James Robertson, Thomas Waggoner, Joshua Collins, Robert Montgomery and James Chandler, be, and they are hereby appointed,

Commissioners to fix on the most convenient place for the erection of public buildings in said county of Amite.

SEC. 3d. *And be it further enacted,* That the said Commissioners are hereby authorized to procure by purchase or otherwise not less than fifty acres of land, and not more than one and a half miles from the centre of said county, including a good Spring, nearest to the centre of said county, which said centre to be regulated by a view to the ultimate boundary of the said county extending thirty miles from the aforesaid dividing line, whereon to erect the necessary public buildings for said county, which tract of land when obtained shall be valid to said Commissioners for and in behalf of said county, to all intents and purposes, and shall be laid out under the directions and superintendence of said Commissioners into half acre Lots, and sold, reserving two acres for the public buildings, at public auction at twelve months credit, and the money arising therefrom applied towards defraying the expenses of erecting the public buildings of said county,

SEC. 4th. *And be it further enacted,* That the town when laid out agreeably to the foregoing section shall be called and known by the name of Liberty, and so soon as the public buildings are fit for the reception of the courts of said county, the said Commissioners shall report the same to the county court of said county.

SEC. 5th. *And be it further enacted,* That there shall be held in the county of Amite a Circuit Court twice a year, to wit: on the third Mondays in May and November annually, and may continue to be held twelve judicial days at each term, and no longer, and

that a county court shall be held in the county afore said on the second Mondays in February and August annually, and may continue in session six days at each term, and no longer.

SEC. 6th. *And be it further enacted,* That the said circuit and county courts, for the county of Amite shall be held at the House of William R. Richards on Connells Mill Creek, lately occupied by Matthew Kinchen until the buildings in said county are erected and fit for occupation, and then said courts and their proceedings therein shall be adjourned to the said Court House erected in pursuance of this act.

SEC. 7th. *And be it further enacted,* That all suits, actions and causes, now depending in the Circuit and County Courts of Wilkinson where the causes of action originated or the defendants reside in the county of Amite shall be immediately transmitted by the respective Clerks of Wilkinson county into the Circuit and County Courts of said county in the same state they were, in the circuit and county courts of Wilkinson county, and shall there be tried and proceeded on, as if they had originated in said courts.

SEC. 8th. *And be it further enacted,* That nothing in this act shall prevent the officers of Wilkinson County from collecting the taxes now due.

SEC. 9th. *And be it further enacted,* That the Surveyor appointed by the afore said Commissioners shall make a correct Map of said Town, which he shall certify and return to said Commissioners who shall deliver it to the Clerk of the county, whose duty it shall be to record the same in his office.

SEC. 10th. *And be it further enacted, That this act shall be in force from and after the passage thereof.*

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

DANIEL BURNET, President

of the Legislative Council.

Approved February 24, 1809.

ROBERT WILLIAMS, Governor

of the Mississippi Territory.

AN ACT

To extend the Laws of this Territory to Madison County.

Whereas a County has lately been laid off by the Governor of this Territory lying within the great bend of Tennessee River by the name of Madison :

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That the Laws relating to the Judiciary and the Militia of this Territory be immediately extended to the County of Madison.*

SEC. 2d. *And be it further enacted, That there shall be immediately organized in the county of Madison circuit and county courts, in the same manner as the circuit and county courts in the counties of Claiborne, Jefferson, Adams and Wilkinson are organized, and the terms of the circuit courts shall commence on the first Mondays in April and October annually ; and the terms of the county courts shall commence on the first Mondays in January and July annually ; and the intermediate coun-*

ty courts on the first Mondays in April and October.

SEC. 3d. *And be it further enacted,* That the Justices of the quorum that may or have been appointed for the county of Madison, or a majority of them, be, and they are hereby authorized and required to fix and establish on some convenient place in said county of Madison for holding the said courts appointed by Law to be holden in that county.

SEC. 4th. *And be it further enacted,* That there shall be appointed an Attorney General in the County of Madison, who shall perform the same duties, be entitled to the same salary, and authorized to draw for it in the same manner as the Attorney General in the County of Washington.

SEC. 5th. *And be it further enacted,* That the Militia of Madison county shall be organized in the same manner as the Militia in the other counties in this Territory.

SEC. 6th. *And be it further enacted,* That all the Laws of a general nature which now exist or hereafter may be passed for the Government of this Territory, shall extend to and be binding on the inhabitants of the county of Madison.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

JAMES LEA, *President*
of the Legislative Council Pro Tem.

Approved, February 27, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

To make Catharine Lewis Hartly a Legitimate Heir to William Lewis of Claiborne County.

Whereas William Lewis has petitioned the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, praying that an Act might pass to Legitimate Catharine Lewis Hartley, and make her a lawful heir to the said William Lewis of Claiborne county :

SECTION 1st. *Therefore, be it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly, Convened, That Catharine Lewis Hartley, a natural child of William Lewis, of Claiborne county, be legitimated and made a lawful heir to the estate of the said William Lewis in as full and ample a manner as if she had been born in lawful wedlock.*

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

JAMES LEA, *President*
of the Legislative Council, pro tem.

Approved, February 27, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

Authorizing the assessment and collection of a tax on the inhabitants of the county of Amite, for defraying the expence of erecting a Court house, Jail and Stocks in said county, and for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the following tax shall be imposed on the said county, for the year one thousand eight hundred and nine, in addition to the territorial tax, for the purpose of erecting a court house, jail and stocks, to wit: twenty-five cents on all free males above the age of twenty one years; twenty-five cents on all slaves, and on every hundred dollars value of land; twelve and a half cents to be levied and collected by the tax collector of said county, at the same time and in the same manner as is directed by law for the collection of the territorial tax, and it shall be the duty of the tax collector for said county to pay over to the commissioners, appointed by law to contract for building a court house, jail and stocks in said county, the amount of monies by him collected for the purposes aforesaid, on or before the first day of April, one thousand eight hundred and ten; and on failure so to do the commissioners appointed as aforesaid, or a majority of them shall have the same mode of proceedings and recovery against the said collector, as is by law given to the auditor of public accounts against tax collectors, and the collector of said county shall be allowed seven and a half per centum by the said commissioners on the amount of the

taxes by him collected in conformity with this act, at the time of paying over the same.

SEC. 2d. *And be it further enacted,* That the Justices of the county courts of Amite county, are hereby authorized and required to hold two intermediate courts in said county, in each and every year, on the second Mondays in April and November, agreeably to the provisions of the act entitled, "An Act establishing two intermediate courts for county purposes, and to extend the powers of the chief Justice of the Orphan's court" passed the first day of March, one thousand eight hundred and eight.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

DANIEL BURNET, *President*
of the Legislative Council.

Approved March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

For the relief of Reuben Newman.

Whereas Reuben Newman, late Overseer of the Poor for Adams county, and Captain Greenleaf's district, as appears discharged the duties of said office according to law, and expended several sums in furnishing sundries, and in supporting said poor, to the amount of fifty two dollars and eighty-seven and a half cents; and, whereas, the county court of Adams county, have refused to allow the account of the said Overseer of the poor as provided by law, and for remedy whereof, therefore, BE it enacted by the Legislative council and House of Representatives of the Mississippi Territory in

General Assembly convened, That the auditor of public accounts be, and he is hereby authorized and required to audit the account of Reuben Newman for fifty-two dollars and eighty-seven and a half cents, and draw his warrant on the territorial treasury, in favour of the claimant for that amount in full compensation for fundries furnished, and services rendered for the support of the poor for the year 1806: Provided, that the sum so drawn for, shall be paid out of the money set apart in the treasury for the support of the poor of said county.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.
 DANIEL BURNET, *President*
of the Legislative Council.

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

Concerning Cotton Gin.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That after the first day of September next, every Gin holder within this territory shall enclose his, her or their Cotton Gin with a good and sufficient fence, five feet high, and so close that no hog of any size can get through the same, and every such Gin shall be enclosed so as to include all the Cotton Seed which may fall from, or in anywise appertain to said Gin, from the first day of September to the first of March in each and every year, and every person or persons failing to comply with the requisi-

tions of this act, shall forfeit and pay the sum of twenty dollars for every day they shall neglect or fail so to comply, to be sued for, and recovered by the party injured, before any Justice of the peace, and applied to their own use: Provided, that nothing in this act contained shall prevent any person or persons from recovering any special damages he, she or they may sustain in consequence of any Gin-holder negligently keeping his, her or their Gin.

SEC. 2d. *And be it further enacted,* That every owner or possessor of any Gin erected in, or within one quarter of a mile of any City, Town or Village, are directed and required to enclose, remove or destroy all the Cotton Seed which falls from said Gin, so as to prevent the putrefaction thereof; and every person so neglecting, after having five days previous notice thereof, shall forfeit and pay for the use of the territory, twenty dollars, to be recovered before any Justice of the peace, for every day he shall thus neglect to remove the Cotton Seed as aforesaid.

SEC. 3d. *And be it further enacted,* That every owner or holder of any Cotton Gin within this territory, is hereby restrained from throwing or letting the Cotton Seed fall from their Gins into any stream of water or water-course whatever, except the Mississippi, Tombigbee, Allabama, Amite Rivers, and the waters of Bayou Sara; and every person or persons failing to comply with the requisitions of this section, shall forfeit and pay the sum of two hundred dollars, recoverable before any court, having jurisdiction thereof, one moiety to

the use of the person suing for the same, and the other to the person or persons injured.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives

DANIEL BURNET, *President*
of the Legislative Council.

Approved March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

To Divorce Robert Deen from Mary Deen his Wife.

SECTION 1st. BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in General Assembly convened, That for good and sufficient cause shewn to this General Assembly by Robert Deen of this territory, he the said Robert Deen is from and after the passing of this act, divorced from the bonds of Matrimony, heretofore subsisting between him the said Robert Deen and Mary Deen his wife.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives

DANIEL BURNET, *President*
of the Legislative Council.

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

To Divorce John Peake from Phebe Peake his Wife.

BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That for good and sufficient cause shewn to this Legislature by the said John Peake, he the said Peake is hereby divorced from the bonds of Matrimony, heretofore subsisting between the said John Peake and Phebe Peake his wife.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

DANIEL BURNET, *President*

of the Legislative Council.

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*

of the Mississippi Territory.

AN ACT

Giving further time for the collection of Taxes and for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That the tax collectors in the several counties in this territory, shall be allowed until the first day of July next, to pay the moneys by them collected for taxes to the treasurer, and that no distress shall be levied on the property of any defaulter until after the first day of May next.*

SEC. 2d. *And be it further enacted, That it shall be the duty of the said collectors, with-*

out warrant, to levy distress on the property of all and every person who shall have failed to pay their taxes on or before the said first day of May next, and he shall be allowed two dollars on every distress by him made, to be paid by the party on whose property such distress shall be levied; in addition to the commission allowed by law.

SEC. 3d. *And be it further enacted, That so much of any act as comes within the purview and meaning of this act, be and the same is hereby repealed.*

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives
DANIEL BURNET, *President*
of the Legislative Council

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

To incorporate the Natchez Mechanical Society.

Whereas certain persons lately associated themselves in the City of Natchez and its Vicinity for the laudable purpose of promoting the art of Mechanism; and, Whereas the members of that society, have presented a petition to the Legislature, setting forth the nature and views of this institution, and praying that the same may be incorporated by law; Therefore,

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general Assembly convened, That Walter Irwin, Timothy Terrel, Samuel Patterson, Matthew Thomas, James Bracken, Andrew Burt, John Conn, Daniel*

Woodward, Joshua Swaby, Francis Alder, Samuel Batchellor, William Fox, Junr. W. H. Beaumont, John Shaw, William Fox, Michael Engel, Samuel D. Purviance, William T. Voss, William Whitehead, James Gormly, Philip Hill, Andrew Marchalk, Elijah Glascock, John W. Winn, Henry M'Neill, Robert Fox, James M'Connell, Richard Sterne, Charles M'Elheny, Holam Eldridge, members of the said society, and such other persons as shall from time to time hereafter become members of the same according to the constitution and laws thereof, as the same may have been and shall hereafter be ordained or enacted, shall be and they are hereby constituted, and declared to be one body corporate and politic in fact and name, by the title and style of "THE NATCHEZ MECHANICAL SOCIETY" and by that name they and their successors shall have perpetual succession, they shall have a common Seal which they may change at their pleasure; by the name aforesaid, they and their successors shall be capable in law to purchase, take, receive, hold and enjoy to the use of them and their successors, all manner of real and personal estate, and the same to lease, release, sell, alien and convey at their pleasure; by the same name they and their successors shall be capable and liable in law of suing and being sued, pleading and being impleaded, in all manner of actions, suits and controversies, in law equity, or otherwise, as far as corporations from their nature may be capable and liable according to the usual course of law.

SEC 2d. *And be it further enacted,* That the said society shall be governed by such constitution, bye laws and resolutions as may have already been, and shall hereafter be ordained,

Enacted, made or passed for that purpose, in and by the said society; Provided, that such constitution, bye-laws and resolutions be not repugnant to the constitution of the United States, or the ordinance or laws of this territory, or of such state as may hereafter be erected.

SEC. 3d. *And be it further enacted*, That this act shall be deemed a public act, and recognized in all the courts of this territory, and it may be given in evidence on the trial of any issue or otherwise in any cause without being specially pleaded.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

DANIEL BURNET, *President*
of the Legislative Council.

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.

AN ACT

To repeal an act entitled "an act regulating the conduct of Hawkers and Pedlers."

BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That the act entitled "An Act regulating the conduct of Hawkers and Pedlers" passed the fourth of

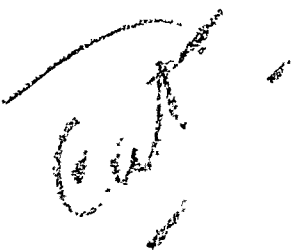
February 1807, be, and the same is hereby repealed.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

DANIEL BURNET, *President*
of the Legislative Council.

Approved, March 3, 1809.

ROBERT WILLIAMS, *Governor*
of the Mississippi Territory.



ACTS

PASSED AT THE FIRST SESSION

OF THE

SIXTH GENERAL ASSEMBLY

OF THE

MISSISSIPPI TERRITORY,

BEGUN AND HELD AT THE TOWN OF

WASHINGTON,

ON MONDAY THE 6TH DAY OF NOVEMBER,

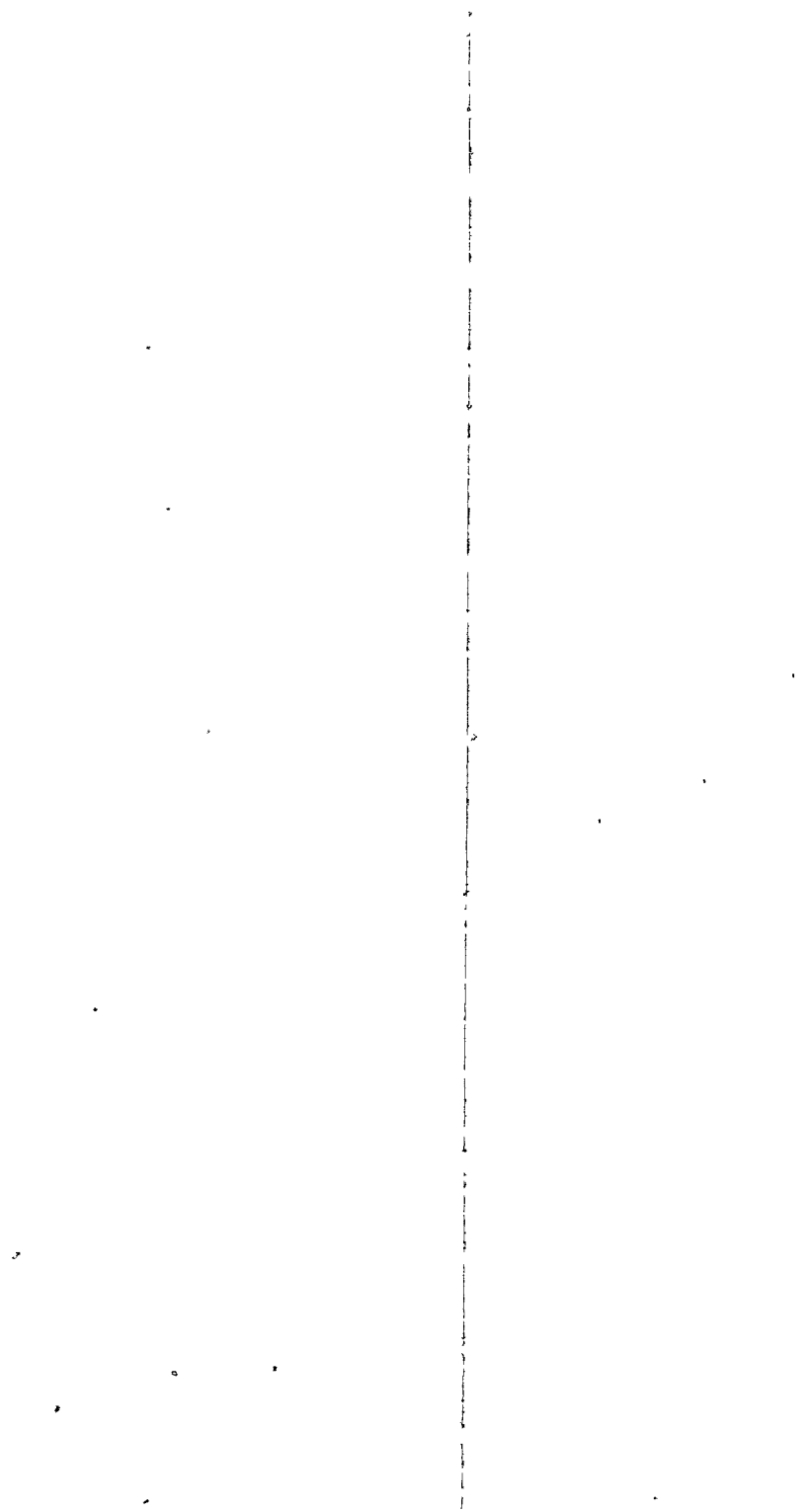
Anno Domini, 1809.



NATCHEZ: Printed by JOHN SHAW,
PRINTER TO THE MISSISSIPPI TERRITORY.

.....
1810.





ACTS PASSED,

1809.

AN ACT

Establishing Patrols and for other purposes.

SECTION 1st. **B**E it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in general assembly convened, That every owner of slaves, and all other persons below the rank of Captain, liable to perform militia duty, are hereby declared liable to perform Patrol duty, as hereinafter directed, but shall be at liberty to send a substitute, to perform the said duty in their stead.

SEC. 2d. *And be it further enacted,* That it shall be the duty of each and every captain of militia, or commanding officer of a company to regulate patrols within their own companies, or district, by making at every company muster of their respective companies, by rotation, a proper list of patrol detachments, and appoint to every such detachment, a leader or proper officer, which detachment shall severally consist of three men, beside their leader, and perform the duty of patrols, once in every two weeks or oftner if ordered by the commanding officer of their company, for the space of three

months, or until the next company muster within the district to which they belong. Provided, no one shall be compelled to serve out of his regular routine of duty.

SEC. 3d. *And be it further enacted*, That it shall be the duty of each patrol detachment, to visit all Negro quarters, or places suspected of entertaining unlawful assemblies of slaves, or other disorderly persons unlawfully assembled; and upon finding thereof, to take him, her, or them if free, before the nearest Justice of the peace of such county, or make report thereof to him, so that he, she or they may be dealt with according to law, and if any slave or slaves shall be found so assembled, or strolling without a pass, or some token from his or her owner or overseer, the said patrol may give any such slave; any number of lashes, not exceeding fifteen, and if there be reason to suspect any such slave or slaves, to be run-away from his or her owner, they shall take such slave or slaves before the nearest Justice of the peace for such county, to be dealt with according to law, and be allowed and paid by the owner for all run-away Negroes so taken up, the sum of six dollars, and shall also be entitled to receive all other fines to which parties may be subject, which they may bring before any justice.

SEC. 4th. *And be it further enacted*, That any person liable to perform patrol duty, shall on failure to patrol in their turns, or send a substitute in their stead, forfeit and pay for every failure or non-attendance, one dollar, to be recovered before the commanding officer to which such defaulter belongs in the same manner that other fines are recovered for delinquencies at company musters, and all fines arising under this Section shall go to the use of the detachment in which the same occurs.

Provided, that good and sufficient excuse be admitted in behalf of any delinquent.

SEC. 5th. *And be it further enacted,* That each and every captain or commanding officer of any company who shall refuse or neglect to appoint patrol detachments as herein directed, shall forfeit and pay the sum of ten dollars for each and every term three months they shall so fail, neglect or refuse, to be recovered before any justice of the peace in the county in which such officer resides, one half of the money to go to the informer, and the other half to the use of the patrol detachment in said captain's company.

SEC. 6th. *And be it further enacted,* That if any captain or commanding officer, constable, patrolman or other person, shall be sued, arrested or impleaded, for any matter or thing which he shall do or cause to be done, by virtue of, or in pursuance of this act, it shall and may be lawful for every such captain or other officer or person, to plead the general issue, and give this act and the special matter in evidence on the trial, and if a verdict shall pass against the plaintiff, or plaintiffs or if they shall be non-suited in his or their action or suit, then, and in that case the court where such action shall be pending, shall tax and allow to the defendant his or their double costs in every such suit or action.

SEC. 7th. *And be it further enacted,* That all and every person or persons, are forbidden to sell liquors or spirits to any slave or slaves, without permission from the master or owner, and should any person violate the above requisition, he shall be liable to a penalty of fifty dollars, recoverable before any court of competent jurisdiction. one half for the benefit of the

informer, and the other half to the clerk of the county court, to be applied by said court, to county purposes, as they may think proper.

SEC. 8th. *And be it further enacted,* That all persons licenced to retail spirituous liquors, shall take an oath to the following effect, viz: I, A. B. do solemnly swear (or affirm as the case may be) that I will not sell or retail any spirituous liquors to any slave, nor will I purchase any article whatever from them without a written permission from his master, owner or employer, so help me God.

SEC. 9th. *And be it further enacted,* That patrols and all other persons are hereby authorized to kill all dogs owned or kept by negroes, and all masters or owners who may allow any slave to keep stock of any description, in his or her own right, shall be subject to a penalty not exceeding fifty dollars, recoverable before any court of competent jurisdiction, one half to the informer, and the other half to be paid over to the county court, to be appropriated to county purposes.

SEC. 10th. *And be it further enacted,* That all slaves who shall be found at the distance of eight miles, without a pass or some token from the owner or overseer of such slave, or have lain out more than two days from the service of his master or overseer, without leave, shall be considered a run-away, any law to the contrary notwithstanding.

SEC. 11th. *And be it further enacted,* That all laws which come within the purview and meaning of this act, and the twenty-ninth and thirtieth sections, of the act entitled, "An act to organize the militia," in the printed copy

of the digest of the statutes of this territory, be, and the same are hereby repealed.

WILLIAM SNODGRASS, *Speaker
pro tem. of the House of Representatives.*

ALEXANDER MONTGOMERY,
President of the Legislative Council.

Approved, the 5th of December, 1809.

DAVID HOLMES, *Governor
of the Mississippi Territory.*

AN ACT

Supplemental to an act entitled "An Act concerning Divorce and Alimony" passed March the 10th, 1803.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general Assembly convened,* That from and after the passing of this act, the Supreme or Superior Court of the Mississippi territory, having equity jurisdiction, shall have cognizance of all cases of divorce, by the before recited act directed, and allowed; Provided, the parties, or the one applying for a divorce be bona fide a resident of the Mississippi territory, at the time of making such application, and shall have been for at least one year immediately preceding the filing his, or her bill for a divorce.

SEC. 2d. *And be it further enacted,* That it shall be sufficient that the party making application for a divorce, pursue the usual method directed in the second section of the before recited act, or in case the adverse party be a non-resident of the Mississippi territory, he or she so applying, may at his or her option pursue that mode, or may have a notice issuing from

said court in the nature of a summons, served upon the absent defendant, and proof of such notice having been served, being made to the court they shall take the same order thereupon as if notice had been given in the usual way.

SEC. 3d. *And be it further enacted, That all acts and parts of acts coming within the purview of this act, be and the same are hereby repealed.*

WILLIAM SNODGRASS, *Speaker
pro tem. of the House of Representatives.*
ALEXANDER MONTGOMERY,
President of the Legislative Council.

Approved, December 5, 1809.

DAVID HOLMES, *Governor
of the Mississippi Territory.*

AN ACT

To establish an Academy in the county of Claiborne, and for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in General Assembly convened, that the school on the North fork of Bayou Pierre, in the neighbourhood of Port-Gibson, now under the direction of Henry C. Cox, be, and the same is hereby erected into an Academy, hereafter to be known by, and bear the name of Madison Academy.*

SEC. 2d. *And be it further enacted, That Samuel Gibson, Thomas White, Stephen Bullock, Peter Lyon, Thomas Barnes, Ralph Reagan, Waterman Crane, Allen Barnes, Daniel Burnett, Samuel Coburn, Eden Brashears, Andrew Mundell, and Hezekiah Harman, shall,*

and they are hereby declared to be a body corporate, by the name of the trustees of the Madison Academy, and by that name shall be capable in law to receive all donations, and to recover all debts which may become the property of said Academy, and in general to do all acts for the benefit of said Academy, which are incident to bodies corporate.

SEC. 3d. *And be it further enacted, That* the first meeting of the trustees shall be at the said Academy on the first Saturday in February next, when they shall proceed to elect out of their own body, a President and Vice-President, Secretary and Treasury : the President, or in his absence the Vice-President shall have power to call extraordinary meetings of the trustees, by giving the members due notice thereof, the ordinary meetings of the board shall be on their own adjournments ; seven members shall constitute a board to do business.

SEC. 4th. *And be it further enacted, That* in case of death, removal from the county, resignation, refusal or neglecting to act, of any of the trustees, the board may at any time appoint a successor.

SEC. 5th. *And be it further enacted, That* the trustees and their successors shall have power to engage a President, and other professors, and all other officers, necessary for conducting the literary concerns of the Academy and displace and appoint others at pleasure, they shall have power and authority, and it shall be their duty, to examine the proficiency of the students, and to make all laws and regulations which they shall judge necessary, for the good government of said Academy. And for promoting learning, morality and virtue, among the students, they shall take effectual care, that students of all denominations may, and shall

Be admitted to equal advantages and that they receive alike fair and generous treatment during their residence thereat.

SEC. 6th. *And be it further enacted, That the trustees be, and they are hereby authorized to raise by way of lottery for the benefit of said Academy a sum not exceeding two thousand dollars, on such scheme or plan as the said trustees may deem most adviseable.*

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 5th of December, 1809.

DAVID HOLMES, Governor
of the Mississippi Territory

AN ACT

Altering the place of holding the several courts of Amite county.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That from and after the passing of this act, the circuit and county courts of Amite county, shall be held at the house of William Jones, adjoining the town of Liberty, in the county aforesaid, instead of the house of William R. Richards, formerly occupied by Matthew Kinchen, where the said courts are now directed by law to be holden.*

WILLIAM SNODGRASS, Speaker
pro tem. of the House Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative council,

Approved the 5th December, 1809.

DAVID HOLMES, Governor
of the Mississippi Territory

AN ACT

Authorizing certain commissioners therein named to employ a fit person to open a road from Pearl River to the Chickesawhay River, and for other purposes.

Sec. 1st. *BE it enacted by the legislative council and house of Representatives of the Mississippi territory in general assembly convened, That John Hanes, Benjamin S. Smoot, and James Caller, be, and they are hereby appointed commissioners, to employ a fit person to open a road from Pearl River, where the present Choctaw boundary line crosses the same, the nearest and best way to the Chickesawhay River, so as to intersect the same, at, or near the lower end of the Higawana Reserve, and they are hereby empowered to contract with said person, for the payment of such sum as may appear reasonable, for the performance of said work, to be paid out of the territorial treasury, after the fulfilment of said contract, Provided nevertheless, that the sum to be expended for making and opening said road, shall not exceed three hundred dollars.*

SEC 2d. *And be it further enacted, That the said road when open shall be deemed and taken as a public highway, until the same shall be changed, or altered, by competent authority.*

SEC. 3d. *And be it further enacted, That an act entitled "an act authorizing certain commissioners therein named to view and mark out the nearest and best road, from the City of Natchez to Fort Stoddart, in the county of Washington, and to empower the said commissioners to employ a fit person to open the road so laid out" passed the fourth day of Fe-*

bruary, one thousand eight hundred and seven,
be, and the same is hereby repealed.

WILLIAM SNODGRASS, *Speaker*
pro tem. of the House of Representatives,
ALEXANDER MONTGOMERY,
President of the Legislative Council.

Approved, 5 December, 1809-

DAVID HOLMES, *Governor*
of the Mississippi Territory.

AN ACT

To amend an act entitled "an act for the limitation of actions, and for avoiding vexatious lawsuits" passed the second day of February, 1802.

SECTION 1st. Whereas by the fourth section of the before recited act the securities of the respective clerks and sheriffs of the several counties in this territory, are not liable to be sued or prosecuted in any manner whatever, if they have remained and continued to be securities for the space of five years, therefore, BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened, that the fourth section of the before recited act, be, and the same is hereby repealed, and made void. And that it shall be the duty of the clerks and sheriffs in the different counties of this territory, within six months from, and after the passing of this act, to execute bonds with sufficient security or securities, for the faithful performance of the duties of their office as heretofore directed by law, under the penalty of one thousand dollars, recoverable by action.

of debt, in any court, having competent jurisdiction, one half to the party suing for the same, and the other half to the use of the territory.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 5th of December, 1809.

DAVID HOLMES, *Governor
of the Mississippi Territory.*

AN ACT

To amend the several laws now in force respecting Prison Bounds-Bonds.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That all and every bond or bonds, which shall hereafter be given in pursuance of the law directing the manner of taking Prison Bounds-Bonds, by any person or persons committed on a *capias ad satisfaciendum* shall, by the sheriff taking the same, be returned to the office of the clerk from whence such execution issued, to be safely kept by such clerk, and if any person shall obtain the rule of any prison, upon giving bond and security as the law directs, and shall escape out of the same, before he shall have paid the debt or damages, and costs, according to the condition of said bond, upon due proof thereof, it shall be lawful, and full power and authority are hereby given to the court, where such bond is lodged, upon motion of the party for whom such execution issued, to

grant judgment, and award execution against such person and his securities, executors or administrators, for the debt or damages, and cost, with six per cent interest, to be computed from the debt of such bond until payment. Provided, that if any fact should arise requiring to be tried by a jury, the court shall have power and authority, and they are hereby required to cause a jury to be empannelled and sworn to try the same; and if the regular jury attending such court shall be discharged, that then and in that case, the court shall cause a jury of qualified bystanders to be summoned for the trial thereof. Provided always, that the obligors, their executors, or administrators, or such of them as is intended to have judgment entered up against, shall have notice in writing, at least ten days previously to the time of making such motion.

SEC. 2d. *And be it further enacted, That* no person or persons who shall be committed on any such execution shall be allowed the rules of any prison, but shall be kept in safe custody in prison, until the whole debt, or damages with costs and interest shall be fully paid, or until they shall be otherwise discharged by law.

SEC. 3d. *And be it further enacted, That* all laws which come within the purview and meaning of this act, be, and the same are hereby repealed.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, the 7th of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

*Concerning the navigation of the rivers Bayou
Pierre and Big Black.*

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the River Bayou Pierre from Port Gibson, on the South fork, and from the Grindstone ford, on the North fork, of the said River, to the mouth thereof, also the River Big-Black, from the Red Bluff, to the mouth of the said river, are hereby declared to be navigable streams, and whosoever shall fall timber into the said streams, or cause any trees to be cut and thrown therein, or shall in anywise, by any manner whatever, obstruct the free navigation of said rivers, every person or persons so injuring the navigation of said stream or streams, shall forfeit and pay the sum of one hundred dollars, to be recovered by action of debt in any court of record, having jurisdiction thereof, one half to the use of the party suing for the same, and the other half to the use of the county.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,
President of the Legislative council.

Approved the 7th December, 1809,

DAVID HOLMES, *Governor
of the Mississippi Territory.*

AN ACT

To amend an act entitled an act to erect the Town of Natchez into a City, and to encorporate the same, and for other purposes therein mentioned.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That the tract of country included within the following boundaries, shall hereafter be designated by the name of the City of Natchez, to wit: assuming the door of the Roman Catholic Chapel within said City as a central or regulating point, and thence running in the direction of the street in front of the said Chapel which was laid off in the directions of North 30 degrees East and South 30 degrees West, one mile each direction, at the extremities of which said two lines two points will be given in the upper and lower boundaries of said City, from which said two points running two lines at right angles to the first, or parallel to the streets of said City which are laid off South 60 degrees East one mile each, at the extremities of which last two lines, two other points will be given, which being connected by a right line, will form the rear boundary of said City thence returning in the upper and lower boundaries, and continuing said lines or boundaries parallel to the streets of the City, which were laid off North 60 degrees West to the middle of the River Mississippi, thence along the middle of said River, thereby completing the limits of said City.

SEC. 2d. *And be it further enacted,* That the land-holders, free-holders and house-holders within the said City, shall on the first Monday in January next, and on the same day in

each succeeding year, at or near the house where the Mayor's court was lately holden, hold a meeting to commence at the hour of ten o'clock in the forenoon, and close at the hour of five o'clock in the afternoon, and then and there elect by ballot, and a majority of votes seven select-men, (a majority of whom shall at all times constitute a quorum to do business) also a City Treasurer, Assessor and Collector, to serve for one year, and the said select men shall on the day next succeeding such election in each year, meet and choose by ballot from among their own number a President, who shall in each and every year be commissioned by the Governor as a Magistrate and Justice of the Peace for said City, to continue in office until the first Monday in January next thereafter) whose duty it shall be to preside and keep order at the meetings of the said select-men. And the said select-men shall be, and they are hereby constituted a body politic and corporate in fact and name by the style of "The President and select-men of the City of Natchez," and by that name they and their successors shall have perpetual succession; shall have a common seal which they may alter at pleasure; and they and their successors shall be persons capable in law to purchase, take, receive, hold and enjoy to the use of them and their successors all manner of real estate, in fee simple or any lesser interest in real estate, and the same to lease, release, sell, alien or convey at their pleasure, and all manner of goods, chattels and personal estate in like manner to purchase, receive and enjoy and at their pleasure to sell or otherwise dispose of, and by the same name, they and their successors shall be persons liable and capable in law of suing and being sued, pleading and being impleaded in all manner of

suits or actions in either law or equity, and do all other acts and deeds which are incident to bodies corporate. And the said select-men shall at their first meeting in every year have power and authority to raise such sum or sums of money by a majority of votes, as they may think necessary for the supply of the said City, which sum or sums shall be assessed upon the said land-holders, free-holders and house-holders within said City by assessor according to the regulations to be established by the said select men, and collected by the collector at such time, and be paid and disposed of in such manner as the said select-men shall direct: Provided, the sum or sums so to be raised, shall not in any one year exceed twelve and an half cents for every hundred dollars worth of property in said city liable to assessment; but if the sum or sums so assessed and collected shall be found insufficient for the supply of said City, it shall be lawful for the President with the concurrence of two of the select-men to call a meeting of the said land-holders, free-holders and house-holders of the said City by giving five days previous notice of such meeting, specifying the objects and sum and the amount of the sums required to carry the same into effect, and the said meeting shall have power and authority by a majority of votes to order such further sum or sums to be raised as to them shall seem meet and expedient, to be assessed, collected and paid as shall be directed by the said select-men.

SEC. 3d. *And be it further enacted,* That in case of the death or resignation of any of the select men aforesaid, the president for the time being is hereby required to call a meeting of the said land-holders, free-holders and house-holders within said City, five days previous notice of such meeting being given in some new-

paper within this Territory, who shall by ballot and a majority of votes proceed to supply such vacancy or vacancies.

SEC. 4th. *And be it further enacted,* That the said select-men shall meet on their own adjournments, and have power from time to time and at all times hereafter, to make such bye laws and regulations in writing, not inconsistent with the laws of the United States, or of this Territory, as to them shall appear necessary for the good government of the said City, and the same to put in execution, revoke and alter as to them shall appear expedient : Provided, that all such laws shall be subject to the inspection and revocation of the Legislature. They shall also appoint a Clerk of the Market and such other subordinate officers as they may think necessary for the good government of said City : and by ordinance to require such security from the several officers, and to annex such fees to the several offices of the Corporation, and to impose such fines for the neglect of duty in office, or misconduct in the same, as to them shall appear necessary, and to make, limit and impose and tax reasonable fines and amercements in any one case, not exceeding fifty dollars, against all, and upon all persons, who shall offend against the laws, ordinances and regulations of the corporation made as aforesaid ; and all such fines and amercement to take, demand, require and levy of the goods and chattels of such offender, by warrant issued under the hand and seal of the President, directed to the Constable of said City, who is hereby required and authorized to execute the same ; which fines and amercements shall be paid to the City Treasurer, to be appropriated to the use and benefit of the inhabitants thereof.

SEC. 5th. *And be it further enacted,* That all suits and causes now pending or unsettled in the late Mayor's Court of said City of Natchez, together with all papers, documents and records appertaining to said Court shall be transferred to the County Court of Adams County in the same State in which they now stand; and it shall be the duty of the Clerk of said first mentioned Court within one month after the passage of this act, to deliver the same to the Clerk of the County Court aforesaid, under the penalty of five hundred dollars, to be recovered in any court, having competent jurisdiction, one half to the use of the Territory and the other half to the use of the person suing for the same.

SEC. 6th. *And be it further enacted,* That no claim or demand of what nature soever, against the said City of Natchez, or due or owing to the said City, shall be invalidated or impaired by any thing in this act contained, but shall continue chargeable against the same as before the passage thereof until discharged, or otherwise disposed of by the select-men aforesaid.

SEC. 7th. *And be it further enacted,* That no property or claim of said City derived either from the United States, or from any individual or individuals shall in any wise be affected or impaired by this act.

SEC. 8th. *And be it further enacted,* That a person of skill and capacity shall be appointed and commissioned by the Governor, Clerk of said City, whose duty it shall be to record in books, to be by him provided and kept for that purpose, all the proceedings of the City meetings, and meetings of the select-men; as also a City Constable to be appointed and commissioned as aforesaid, whose duty it shall be to

attend the said meetings, and execute all process issued by order of the said select-men.

SEC. 9th. *And be it further enacted,* That every free male inhabitant, who is twenty-one years of age and a citizen of the United States, who shall be in the occupancy of a room or rooms within said City, separate and apart to himself shall be deemed a house-holder within the meaning of this act, and entitled to vote at the annual and other elections of said city: Provided, such occupancy shall have existed six months next preceding such election.

SEC. 10th. *And be it further enacted,* That the expence of supporting the poor within said City shall not in future be exclusively chargeable on its inhabitants, but be a general county charge.

SEC. 11th. *And be it further enacted,* That all the papers, documents, books and public property, appertaining to the corporation of the City of Natchez now in possession or care of any former City Treasurer, Marshall or Collector, shall be delivered over to the select-men aforesaid, within ten days after the same shall be collected, under the penalty of five hundred dollars each, to be recovered with costs in any court of record, having competent jurisdiction, one half to the use of the person suing for the same, and the other half to the use of the territory.

SEC. 12th. *And be it further enacted,* That nothing in this act contained, shall be so construed as to prevent the clerk or marshall of said Mayor's court from recovering any fees to which they may be legally entitled, but that the same shall be collected and paid over to them respectively by the clerk or sheriff of the county aforesaid.

SEC. 13th. *And be it further enacted, That all acts and parts of acts heretofore passed and coming within the purview and meaning of this act, be, and the same are hereby repealed.*

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 9 December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

Directing the taking of the Census of the Mississippi Territory.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That it shall be the duty of the assessor of taxes in each and every county within this Territory, to claim of the heads of families and other persons in their several counties, a true and faithful estimate of their respective families, and the said Assessors are hereby required to make out and certify under their hands and seals a fair list of the number of inhabitants so given in to them, as aforesaid, or which may come to their knowledge, and return a copy thereof to the Executive, and another to the Speaker of the House of Representatives of this Territory, on or before the first day of the next session of the General Assembly.*

SEC. 2d. *And be it further enacted, That if any person shall fail to make a return of himself and family, or any part thereof being*

thereunto required by said assessor or shall make a false or improper return, he, she or they, so offending shall forfeit and pay for every person so neglected to be returned, or which they have returned improperly the sum of one dollar, to be recovered before any justice of the peace, one half to the informer, and the other half to the territory.

Sec. 3d. *And be it further enacted, That the following form shall be adopted and used by each and every assessor in the territory for the classification of the inhabitants thereof:*

NAMES OF THE HEADS OF FAMILIES.

Free white males over twenty-one years.

Free white males under twenty-one years.

White females over twenty-one years.

White females under twenty-one years.

Total of free white inhabitants.

Total of free people of colour.

Total of slaves.

Total of inhabitants.

Sec. 4th. *And be it further enacted, That each and every assessor in this territory shall, before he enters on the duties of his office, take in addition to the oath required of him by law as assessor take and subscribe an oath, before some person authorized to administer the same, in the following form, to wit: I, A. B. do solemnly swear (or affirm as the case may be) that I will take the Census of the county of ———*

—according to the true intent and meaning of “ An act directing the taking of the Census of the Mississippi territory ” to the best of my knowledge, so help me God. Which oath so subscribed and sworn to, shall be transmitted with the copy of said enumeration to the Executive of this territory, and each and every assessor failing to comply with the requisitions of this act shall forfeit and pay the sum of one hundred dollars, to be sued for and recovered in any court of competent jurisdiction, one half to the use of the person suing for the same and the other half to the territory.

Sec. 5th. *And be it further enacted*, That each and every assessor in this territory shall be allowed as a compensation for taking the Census in his county one dollar for every hundred inhabitants ; and the auditor is hereby required to issue his warrant on the territorial treasury in favor of such assessor for the same, upon the certificate of the Governor of this territory, that a copy of such Census is delivered to him, and the total of inhabitants therein contained being produced to the auditor.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 9th of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

*To remove the site of Justice of Wilkinson county,
and for other purposes.*

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That the Circuit & county courts of Wilkinson county, shall from and after the first day of February next, be held at the house of Randal Eldred, Provided, that if the Judges, or Justices, respectively, holding said court, shall from want of buildings or other causes, be unable to hold court at the house of said Eldred, then and in that case, said judges or justices, may adjourn the court to some convenient place contiguous to the house of said Eldred.

Sec. 2d. *And be it further enacted,* That Hugh Davis, Nehemiah Carter, William Cain, Daniel Williams, Henry Hunter, junr. John Foster and Isaac Johnson, be, and they are hereby appointed Commissioners, to establish a Site whereon to erect a Court-house, Jail, Pillory and Stocks, in the county aforesaid, within one and a fourth mile East and West of the fifteenth mile Meridian line, crossing with the Ridge road, leading from Fort Adams to John Low's, and the said commissioners or a majority of them, are hereby authorized to contract for, and receive titles to five acres of Land, in the name of said county, from any person or persons, authorized to convey the same, on which to erect a court-house and other public buildings.

Sec. 3d. *And be it further enacted,* That Joseph Tanner, Peter Robert, and Abraham M. Scott, be, and they are hereby appointed

Commissioners with full power and authority, to contract with some competent person to erect for the said county, on the Site so established for the public Buildings of said county, a Court-house, Jail, Pillory and Stocks, on such plan, and in such manner, as they, or a majority of them may think proper: Provided, that the sum for building the same shall not exceed five thousand dollars.

Sec. 4th *And be it further enacted,* That for the purpose of defraying the expences of erecting said buildings, the sum of five thousand dollars shall be raised by taxation in said county, in the manner following, to wit: for the year eighteen hundred and ten, two thousand five hundred dollars, for the year one thousand eight hundred and eleven, the sum of two thousand five hundred dollars, to be assessed by the commissioners appointed by this act to contract for the erection of the public Buildings in said county, on or before the fifth day of May, in each and every year, the tax so assessed to be on the same property, collected by the same person, in the same manner, and at the same time that is provided by law for the collection of the territorial tax, Provided, that the tax so to be assessed and collected, shall be paid in gold or silver coin, made current by the laws of the United States.

Sec. 5th. *And be it further enacted,* That it shall be the duty of the tax collector of said county, to pay over to the commissioners appointed by this act, to contract for the erection of public buildings in said county, or to any person appointed by them, or a majority of them, all sums so collected by him, for the purpose of building said Court-house, and other public buildings, at the same time at which he

shall be directed to pay over the territorial tax, and on failure so to do, the said commissioners or a majority of them, shall have the same mode of proceeding and recovery against the said collector, and his securities, given under this act, as is by law given to the auditor of public accounts, against delinquent tax collectors, and the tax collector shall be allowed, three per centum, by the commissioners, or a majority of them, on the amount so collected by him, in conformity with this act, at the time of paying over the same.

Sec. 6th. *And be it further enacted,* That as soon as the said Court-house, shall be erected, and fit for use, the said commissioners, authorized to contract for the building of the same, or the majority them, shall advertise the same in one of the Newspapers of this territory, and from that time, the Circuit and County courts, for the county aforesaid, and all the proceedings therein, shall be adjourned to the said Court-house, any law to the contrary notwithstanding.

Sec. 7th. *And be it further enacted,* That the tax collector for the county aforesaid, shall before he enters on the duties of his office, give bond and security to the said commissioners, for the faithful discharge of his duties under this act, in the sum of five thousand dollars.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives

ALEXANDER MONTGOMERY,

President of the Legislative Council,

Approved, December 18, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To amend an act entitled "an act for the settlement and relief of the Poor."

BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened, That so much of the sixth section of the said act as forbids the binding of Male Orphan Children Apprentices, for a longer time than till they are of the age of eighteen years, be, and the same is hereby repealed; and that hereafter it shall be the duty of the Overseers of the Poor, by order of the Court to bind out all Male Orphan Children until they arrive at the age of twenty-one years, according to the directions of said act.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 18 December, 1809.

DAVID HOLMES, *Governor*

of the Mississippi territory.

AN ACT

Providing for the Sale of the public Warehouse erected for the inspection of Cotton in the County of Washington.

Whereas, by virtue of the act providing for the inspection of Cotton, a public Warehouse was erected in the county of Washington, near Fort Stoddard, which is useless to the territory, and falling into decay and ruin, Therefore,

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the Sheriff of the district of Washington be, and he is hereby authorized and required to expose the said Warehouse to public sale at the court house of said district, on or before the first monday of May next, by advertising the same in three or more public places in said district, the court house thereof being one, at least thirty days previously to the day of sale, at which time and place the said Sheriff shall proceed to sell the said Warehouse to the highest bidder, and shall take of the purchaser, bond for the purchase money, with two or more good securities, payable to the Governor of this territory, and his successors in office, within twelve months after the time of such sale, and the amount thereof when collected, shall be by the said Sheriff paid into the Territorial treasury, and the said Sheriff shall be allowed on paying the money so collected into the treasury, five per centum on the amount thereof for the collection of the same, and if the said Sheriff shall not pay the amount of said purchase money when collected, into the Territorial treasury, then it shall and may be lawful for the superior court for said district, to enter up judgment, on motion, against him for the amount thereof, and award execution accordingly, and in case the said bond be not paid on the day it becomes due, it shall be the duty of said sheriff to put the same in suit, and recover the amount thereof from the obligor or obligors therein named by due course of law.

Sec. 2d. *And be it further enacted* That the said Sheriff shall make and execute to the

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purchaser or purchasers, a conveyance in fee simple to the aforesaid Warehouse and one half acre of Land on which the same is built, upon the purchaser-entering into bond with security agreeably to the provisions of this act

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 18th December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

To raise a Revenue.

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That a tax for the sums, and in the manner hereinafter mentioned shall be raised, in each and every year, and paid into the public treasury for the use thereof.

Sec. 2d. *And be it further enacted,* That the sum of twenty-five cents for every hundred dollars value be paid on all lands, lying within this territory, claimed or held by virtue of any British or Spanish patent or order of survey, the right whereof has been confirmed by either Board of Commissioners of the United States, appointed for settling claims to land South of the State of Tennessee, and also on all donation claims, the right whereof has been confirmed by either of the aforesaid Boards of Commissioners: and on such part of all pre-emption claims, as shall have been paid for by such

claimant, and such other claims as may be founded on lands purchased of the United States (which the assessor is required to ascertain at the time of taking in the taxable property) under the several regulations hereinafter expressed. Class number one shall contain all lands lying within eight miles of the City of Natchez, the first quality of which shall be rated at fourteen dollars per acre: the second quality at twelve dollars per acre and the third quality at eight dollars per acre; Class number two shall contain all lands lying within fourteen miles of the Mississippi River, and not included in class number one, the first quality of which shall be rated at eight dollars per acre, the second quality at five dollars per acre, and the third quality at three dollars per acre; Class number three shall contain all lands more than fourteen miles and not above twenty miles from the Mississippi River, the first quality of which shall be rated at six dollars per acre, the second quality at four dollars per acre, and the third quality at two dollars per acre; Class number four shall contain all lands lying more than twenty miles from the Mississippi River and West of Pearl River, the first quality of which shall be rated at four dollars per acre, the second quality at two dollars per acre, and the third quality at one dollar per acre; Class number five shall contain all lands lying East of Pearl River, the first quality of which shall be rated at five dollars per acre, the second quality at three dollars per acre, and the third quality at two dollars per acre; Class number six shall contain all lands within the boundaries of Madison county; the first quality of which shall be rated at four dollars per acre, and the

second quality at three dollars per acre. And there shall also be paid the sum of seventy-five cents each, on all slaves. And the sum of one dollar shall be levied on all free males above the age of twenty-one and under the age of fifty years; and in all cases the head of the family shall include in his or her list of taxables given in to the assessor all Polls that may be living in his or her family; only that Tavern-keepers shall not be bound to give in, in his or her lists of taxables, any person who is merely a boarder in his or her house. And the sum of twenty-five cents on every hundred dollars value of all lands, lots and buildings within any city, borough or town, to be estimated by the assessor, and not to be considered as included in either of the above mentioned classes of land; and twenty-five cents per hundred dollars on the amount of sales of Merchandize within the year immediately preceding the first day of January in each and every year, the time at which the assessors appointed under this act, are authorized and required to begin the duties of their office; and in taking in the list of taxable property to have reference to that day: Provided, that all articles of home manufacture, and all sales at auction be exempted from the provisions of this section; and the sum of two dollars per wheel on every pleasurable carriage, Provided, that nothing in this act shall be so construed as to authorize the imposition of any tax upon the property or estate of any religious society, or the lands or funds of any society applicable to the education of youth, or the maintenance of public schools, or for charitable purposes, or upon any property belonging to the corporation of the City of Natchez, or a poll tax upon any officer or soldier in the army of the United States.

Sec. 3d. *And be it further enacted,* That there shall be appointed by the Governor of the territory annually, an assessor of the territorial tax in each and every county, and every person who shall be appointed assessor under this act, shall before he enters upon the duties of his office, take the following Oath, to wit : 'I, A. B. do solemnly swear (or affirm) that I will execute the duties of assessor of the general tax for the county of _____ to the best of my abilities, without partiality, favor, or affection, so help me God.' And if any assessor shall execute the duties of said office without first having taken said oath, he shall forfeit and pay the sum of five hundred dollars, to be recovered by action of debt, in any court, having competent jurisdiction, one half to the party suing for the same, and the other half to the use of the territory.

Sec. 4th. *And be it further enacted,* That it shall be the duty of every assessor appointed by virtue of this act to apply to every person resident within his county, who hath therein any taxable property, for a list thereof, which list shall contain an enumeration of all taxable property in his or her charge within the said county, and in the account of lands a particular description of the situation and quality of the same, and to which class it belongs, as also each town lot of land with the dimensions of, and improvements thereon ; also the amount of sales of all Merchandize sold within the year ending on the last day of December immediately preceding the time at which the assessors are herein directed to commence the duties of their office ; and the assessor shall state in the last column of his list the total amount of taxes due from each person chargeable with taxes.

Sec. 5th. *And be it further enacted,* That if any assessor shall go to the house or usual place of abode of any person within his county, who hath in his or her charge any taxable property, and shall not find such person at home, he may leave a written notice at the place of residence of such person requiring him or her to give in to him the assessor, on or before the day on which the assessor is directed to finish receiving lists of taxable property, his or her list of taxable property, and if such person fail to comply with the requisitions of said notice, he shall be considered as a delinquent under this act, and shall be ~~double~~ taxed according to the best information that the assessor can obtain; and at the time of giving in to the assessor a list of taxable property, the person giving in the same shall take the following oath, to wit: 'I, A. B. do solemnly swear (or affirm) that the list of taxable property which I have rendered, contains all the property which I have charge of in the county of _____ subject to taxation to the best of my knowledge and belief, so help me God.' And which oath the assessor is hereby authorized to administer: Provided, where any person holds taxable property in any other county than that which he resides in, and hath no agent in such county to give in the same, he may send to the assessor of such county a list of his property in such county subject to taxation, sworn to before, and certified by some justice of the peace. And every person who hath any taxable property within this territory and shall fail to give in the same to the assessor of the proper county on or before the 1st day of April in each and every year (except the counties of Washington and Madison, for the year 1810) shall be subject to be double taxed, from

the best information which the assessor can obtain, and in the counties of Washington and Madison for the year 1810, such lists shall be given in to the assessors of said counties, respectively, on or before the first day of May, and all persons failing to comply with the requisitions of this section shall be doubly taxed according to the best information that the assessors can obtain.

Sec. 6th. *And be it further enacted,* That every person shall be liable to pay taxes upon all property, both real and personal, of which he shall stand seized or have in his custody either as Attorney, Agent, Guardian, Executor or Administrator, or in his own right as tenant in fee or by courtsey, or for life, or in right of his wife subject to taxation under this act, on the first day of January in each and every year, and every person who shall sell or convey away any property, either real or personal, after the first day of January, shall give in a list of the same with his taxable property for that year.

SEC. 7th. *And be it further enacted,* That each and every assessor appointed under this act (except the assessors of the counties of Washington and Madison for the year 1810) shall on or before the first day of April in each and every year finish receiving lists of taxable property from persons liable to pay taxes, and shall each make out four complete lists of all taxable property which he may have assessed, including his own taxable property, together with the names of the persons chargeable with the taxes thereon, and the amount of the taxes due from each person, one of which lists he shall (except the assessors of the counties of Washington and Madison for the year 1810) on or before the first day of May, deliver to

the collector of his county who shall be appointed as by this act hereinafter directed : one copy he shall deposit in the office of the clerk of the proper county court, if there be a county court in such county, and if not, then in the clerks office of the superior court of said county, for the inspection of any person who may choose to examine the same ; one other list he shall deposit in the auditors office on or before the first day of June, and the remaining copy he may retain for his own use. And the assessors for the counties of Washington and Madison shall ~~also~~ each make out four lists of taxable property, which they shall have assessed, and make the same disposition of them as is directed in the other counties, only that they shall have until the first day of June in the year 1810, to make out and deliver a copy thereof to the collector, and a copy to the office of the clerk of the courts respectively, and till the day on which the collectors of their counties, to wit : Washington and Madison, are directed to pay the amount of taxes for that year into the territorial treasury ; to deposit, one list made out as aforesaid in the office of the auditor of public accounts, Any assessor failing to comply with the requisitions of this act, shall forfeit and pay the sum of five hundred dollars, recoverable in any court, having competent jurisdiction, one half to the person suing for the same, and the other half to the use of the territory.

Sec. 8th. *And be it further enacted,* That the assessors in each & every county appointed under this act shall be entitled to receive at the rate of five per centum on the amount of taxes assessed; Provided, nevertheless, that the assessor of no county shall receive more than two

hundred and fifty dollars, nor less than one hundred dollars for their services respectively in performing the duties required of them by this act, and the auditor of public accounts is hereby authorized and required to issue his warrant in favor of such assessor upon the territorial treasurer for the amount, at any time after the list of taxable of such county shall have been deposited in his office, and the territorial treasurer shall pay the same out of any monies in the treasury not otherwise appropriated.

SEC. 9th. *And be it further enacted,* That there shall be appointed by the Governor for each and every year a fit person in each and every county within this territory a tax collector of the same, who before he enters upon the duties of his office, shall enter into bond with good and sufficient security, to be approved of by at least three of the Justices of the quorum, or of the peace of the proper county, certified by such justices on the back of such bond, payable to the Governor of the Mississippi territory, for the time being and his successors in office in the penalty of, to wit: for Adams county twelve thousand dollars, and for each of the other counties six thousand dollars, conditioned for the faithful performance of the duties required of him by this act while in office, and the justices certifying the same, shall transmit the said bonds respectively, to the auditor of public accounts to be by him safely kept in his office.

SEC. 10th. *And be it further enacted,* That the collectors respectively, shall also before they enter upon the duties of their office take and subscribe the following oath, to wit: I, A. B. do solemnly swear (or affirm) that I will to the

best of my knowledge and abilities perform the duties of collector of the taxes of the county of ——— without partiality, favor or affection, so help me God.

Sec. 11th. *And be it further enacted,* That the collectors of the several counties within this territory in each and every year (except the counties of Washington and Madison for the year 1810) shall have power and are hereby authorized from and after the first day of June in each and every year to make distress and sale of the goods and chattels, lands and tenements of all delinquents who shall not have made payment to the collector of the taxes due for that year; Provided, that notice of such sale shall have been given by advertisement at the door of the Court-house of the proper county, and at least two other public places within the county at least ten days previous to the day of sale, where the distress shall be of the goods and chattels; and where the delinquent shall have no goods and chattels within the county, then and in that case, the lands and tenements of said delinquent within the county may be sold by the collector or so much thereof as shall be sufficient to satisfy and pay the amount of taxes due from said delinquent, together with all costs and charges accruing thereon; Provided, that the Collector shall have given in some newspaper published in the City and Town of Natchez, in the case of residents within this territory, at least three months notice, and in the case of non-residents at least six months notice of the time and place of sale previous to such sale, and when real property is sold, the sale shall always be at the Court-house of the proper county, and there shall not be sold in one lot, more than three

hundred and twenty acres of land, but if one lot shall not sell for the amount of taxes due from the delinquent, together with all costs and charges that shall have accrued thereon, the collector shall sell as many lots or parts of lots as shall raise the full amount due, but in no case shall the collector sell any more land than shall be sufficient to raise such sum as shall be due; and the collector shall be entitled to demand and receive from each delinquent whose property shall have been advertised in addition to his other compensation for collecting the taxes, a commission of five per centum upon the amount raised or to be raised, and where the collector shall sell real property, two dollars for each deed of conveyance; Provided, that the person whose land may be sold for taxes under this act shall have a right to redeem the same at any time within three years after such sale may be made, by repaying to the purchaser the amount by him paid, together with interest thereon at the rate of fifty per cent per centum, from the day of sale till the money be paid; and provided also, that if the lands of any person under age or insane be sold, it shall be redeemable at any time within three years after such disabilities be removed, upon repaying the amount that the purchaser may have paid, with interest thereon at the rate of six per cent per annum, from the day of sale till the time of redemption. And the collectors shall in all cases upon receiving the amount of taxes due from any person specify in the receipt for the same, the property taxed and the total amount of taxes received.

SEC. 12th. *And be it further enacted,* That the taxes imposed by virtue of this act shall be preferred to all incumbrances and securities

whatever ; and if any person between the time of rendering a list of his taxable property to the assessor and the time at which the collector is authorized to make distress, shall be about to remove without the limits of his county, the collector upon receiving information thereof, shall immediately make distress of the goods and chattels of the person about to remove, sufficient to satisfy the amount of taxes that he may owe, and sell the same upon giving the notice herein before directed in the sale of goods and chattels ; and all taxes assessed to any person or persons under this act shall be a lien upon his real property, lying within the county in which the assessment was made from the first day of January of that year.

SEC. 13th. *And be it further enacted,* That the justices of the quorum in each and every county within this territory, shall on the last Monday in July in each and every year (except the justices of the quorum of the counties of Washington and Madison for the year 1810 shall on the last Monday of August) hold at their court houses respectively, a special court for the purpose of examining the account of insolvencies that may be returned by the collectors of their respective counties, and shall certify such allowance as to them shall seem fair and just to the Auditor of public accounts, who shall allow the same so certified to the collector in a settlement of his account. The said courts shall further have power to grant relief to such persons as may have been improperly taxed or overtaxed by the assessor, and upon certifying the same as in the case of insolvencies, the auditor of public accounts shall allow the same, to the collector in a settlement of his account ; and if any person to whom re-

lief may be granted in manner aforesaid, shall not have paid the same to the collector, he shall be exonerated from the same; and if he shall have paid them, the collector shall refund the same amount to him; and the auditor at the time of settlement with the collectors respectively shall suspend any proceedings against any collector for any amount of taxes due on lands that may be then advertised for sale until after such day of sale.

SEC. 14th. *And be it further enacted,* That the collectors throughout this territory shall receive in payment of all taxes imposed by this act, any coin made current by the laws of the United States, or warrants issued by the auditor of public accounts on the territorial treasurer.

SEC. 15th. *And be it further enacted,* That the collectors respectively shall pay into the territorial treasury, (except the collectors of the counties of Washington and Madison) on or before the first Monday in August in each and every year, all monies which shall be due from them respectively to the territory, as collector for that year; and the collectors for the counties of Washington and Madison, shall pay the amount that they may respectively owe to the territory into the territorial treasury on or before the second Monday in September in each and every year. And the collectors of each and every county within this territory (except the collector of Adams county) shall be entitled upon a settlement of his account with the auditor of public accounts, to retain out of the amount by him collected four per centum; and the collector of Adams county shall be entitled to retain three per centum out of the amount by him collected and no more, as compensation for collecting the same.

SEC. 16th. *And be it further enacted,* That if any collector shall demand and receive of any person more money than he shall be entitled to demand and receive under colour of his office as collector, he shall forfeit to the party aggrieved three times the amount of the sum so extorted, recoverable in any court of this territory, having competent jurisdiction, together with costs.

SEC. 17th. *And be it further enacted,* That if any collector appointed under this act shall fail to pay into the territorial treasury any money which may be due from him as collector on or before the same may become payable, the auditor of public accounts shall immediately notify such delinquent collector, and his security or securities, their executors or administrators by advertisement published in some newspaper in this territory, that he will by the attorney general (at the place where the supreme court shall by law be directed to be holden on such day as shall be named in such notice) move the Honourable the Judges of the supreme court of the Mississippi territory for judgment against him or them and his security or securities and their executors or administrators for the amount which shall be due from him or them to the territory, and the judges of the supreme court of the Mississippi territory or any one of them are hereby authorized and required to hold a special court for the purpose aforesaid, and to give judgment in a summary way without jury, against such delinquent collector, or his executors or administrators, and his security or securities for such sum or sums as shall appear to be due from him or them, and award execution accordingly: *Provided,* that such delinquent or his executors or administra-

tors, and his security or securities have at least twenty days previous notice of such motion in manner as aforesaid; and provided also, that when such delinquent collector or his executor or executors, administrator or administrators shall be resident in the district of Washington or county of Madison, then and in that case such motion shall be made before the territorial judge of such county at the place where the courts are usually held in such county, or if there be no territorial judge in such county, then the motion shall be made before three justices of the quorum of such county; Provided, such delinquent collector, his executor or executors, administrator or administrators, security or securities have at least sixty days notice thereof given in manner aforesaid. And the said territorial judges or justices of the quorum as aforesaid, are hereby authorized and required to hold special courts in their counties respectively in manner aforesaid, when and as often as it may be necessary, and to grant judgments and award executions in the same manner as is herein prescribed in the case of the judges of the supreme court, and the clerks of the courts respectively shall issue executions upon any judgment obtained in manner aforesaid, returnable to the next regular court whether supreme, superior or county court, and to indorse on said execution that no security of any kind is to be taken, and every Sheriff or other officer to whom such execution may be directed shall act accordingly.

Sec. 18th. *And be it further enacted,* That if any assessor or collector appointed under this act shall die after he shall have commenced the duties of his office, and before he shall have completed the same, his executor or executors,

administrator or administrators shall have full power to complete the business begun by such deceased assessor or collector, either by themselves or to appoint some other person to do the same, and the said executor or executors, administrator or administrators, or such other person as may be appointed by them shall have the same power to complete the business left unfinished by such deceased assessor or collector as is by this act given to assessors or collectors.

SEC. 19th. *And be it further enacted,* That if any assessor, collector, executor or administrator of any deceased assessor or collector or any person appointed by any executor or administrator of any deceased assessor or collector as in this act directed to complete the unfinished business of such deceased assessor or collector, shall be sued for any matter or thing done in pursuance of the powers given in this act, he or they may plead the general issue and give this act and the special matter in evidence any thing in any law to the contrary notwithstanding.

SEC. 20th. *And be it further enacted,* That all acts or parts of acts coming within the purview of this act be, and the same are hereby repealed.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives

ALEXANDER MONTGOMERY,
President of the Legislative Council.

Approved the 18th of December, 1809.

DAVID HOLMES, *Governor*
of the Mississippi Territory.

AN ACT

For the relief of Samuel Cook.

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That Samuel Cook, assessor and tax collector of Claiborne county for the year one thousand eight hundred and eight, be allowed in his settlement of the tax of said county, for the year aforesaid with the auditor of public accounts, the sum of forty-six dollars and twenty-five cents; which sum the auditor is hereby authorized and required to allow the said Samuel Cook in his settlement aforesaid.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives

ALEXANDER MONTGOMERY,

President of the Legislative Council,

Approved the 20th of December, 1809.

DAVID HOLMES, Governor
of the Mississippi Territory.

AN ACT

To incorporate the planters society in Claiborne county.

SECTION 1st. Whereas certain citizens in the county of Claiborne, have associated themselves together, for the laudable purpose of promoting the public good, individual, and public economy, and wish to be incorporated by law, Therefore, *Be it enacted by the Legislative council and House of Representatives of the*

Mississippi territory in general assembly convened,
 That Thomas Barnes, Daniel Burnet, Hezekiah Harman, Ralph Regan, Thomas White, Jesse Griffin, James Harman, Samuel Gibson, Abram Barnes, James M'Caleb, Lewis Clark, Stephen Bullock, Peter Lyon, Samuel Cobun, Josiah Barnes, Josiah Rundell, John Booth, Eden Brashears, Josiah Flower, Elisha Flower, and William Neily, members of the said society, and such other persons as from time to time shall hereafter become members of the same, according to the constitution thereof, as the same may have been, or shall hereafter be established, shall be, and they are hereby declared to be a body corporate and politic, to be known by the name and title of the Planters Society, for the purpose of being enabled to bargain, contract and purchase for their own use, their annual supplies either at New-Orleans, or elsewhere, on such terms as the said society or a majority thereof may agree upon, and shall moreover have power and authority to purchase, take and receive, hold and enjoy to the use of themselves and their successors, such real and personal estate, as may be necessary to carry the foregoing objects of said society into effect, and shall be capable in law to sue and be sued, plead and be impleaded, in all manner of suits and actions as corporations, from their nature may be capable and liable, according to the usual course of law, they shall have a common seal which they may change and alter at pleasure by the name aforesaid, and the said society shall in all contracts made by them as a body corporate and politic, be liable for the fulfilment thereof in their individual as well as their corporate capacity.

SEC. 2d. *And be it further enacted, That*

the said society shall be governed by such constitution and bye laws as they shall from time to time make and ordain for the good government of said society, Provided, the same be made only for the purpose of carrying into effect the objects heretofore mentioned in this act; and provided also, the same be not inconsistent with the laws and constitution of the United States and of this territory.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 20 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To establish the rates and tolls of public Ferries on the Homochitto River.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the following rates and tolls for ferriages, across the river Homochitto where any public road may cross the same, shall from and after the passage of this act be established, to wit, for every wheel carriage, twelve and an half cents per wheel, for every man and horse, six and one fourth cents, for every foot passenger, four cents, for each and every head of horses or horned cattle, four cents, and two cents for each and every head of hogs, sheep, goats, &c. &c.

SEC. 2d. *And be it further enacted,* That the same penalties shall be and they are hereby imposed on persons who may charge more than

the above tolls, and recovered in the same manner as if said tolls had been established by any county court.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives

THOMAS BARNES,

President of the Legislative Council, pro tempore.

Approved, December 20, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To provide for the collection of a special tax in the county of Amite for the purpose of building a court-house, gaol and pillory.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened;* That there be levied on the county of Amite, for each of the years 1810 and 1811, a special tax equal to the territorial tax of said county for the same years; for the purpose of building a court-house, gaol, pillory and stocks in said county.

SEC. 2d. *And be it further enacted,* That the collector of the county aforesaid, for the years 1810 and 1811, respectively, shall collect a special tax from each person liable to pay territorial taxes, in said county, equal to the territorial tax which such person is liable to pay for that year, and the collector shall have power to collect the said special tax by distress and sale in the same manner as he is authorized to do in the case of territorial taxes, and pay the

came over to the commissioners authorized to let, and superintend the building of the court-house, gaol, pillory and stocks of said county, by the time he is directed to pay over into the territorial treasury, the territorial taxes of his county for that year, after deducting the same amount for insolvencies, &c. as shall have been allowed in the case of territorial taxes for that year, and four per centum upon the amount by him collected, as compensation for collecting the same.

SEC. 3d. *And be it further enacted,* That before the collector shall commence the collection of the tax hereby imposed, he shall give to the before mentioned commissioners, bond with good and sufficient security, in the penalty of double the amount of the special tax of that year, conditioned for the faithful collection and payment of the special tax of Amite county, for the year which he is appointed collector; and if the collector of such special tax shall fail to collect and pay over to the commissioners aforesaid, the amount of taxes hereby imposed, the circuit or county court of Amite county, shall grant judgment upon motion in a summary way without a jury, and award execution against such delinquent collector, and his security or securities, his and their executors or administrators, for all such sums as shall be due; Provided, ten days previous notice in writing shall have been given to such of them against whom judgment and the award of execution is prayed, before such motion, and the clerk of said court shall issue execution accordingly, and indorse thereon "no security of any kind to be taken," and any sheriff or other officer to whom such execution shall be directed, shall act accordingly.

Sec. 4th. *And be it further enacted,* That the collector shall receive in payment of the taxes hereby imposed, nothing but gold and silver coin, made current by the laws of the United States, any law to the contrary notwithstanding.

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,
President of the Legislative Council.

Approved, 20th December, 1809.

DAVID HOLMES, *Governor*
of the Mississippi Territory.

AN ACT

Supplementary to "an act to amend and reduce into one the several acts concerning public roads, highways, ferries and bridges within this territory."

SECTION 1st. *BE it enacted by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened,* That it shall be the duty of the judges of the respective circuit or superior courts of this territory, to give in charge to the grand juries of the different counties at the opening of each term of the said courts, the act entitled, "an act to reduce into one, the several acts concerning public roads, highways, ferries and bridges" and the act supplementary thereto; And the said grand jury shall present the overseer or o-

overseers, of every public road which shall not, or may not have been kept in repair as required by law, and every person or persons who may have altered any public road, without having obtained an order of court therefor as directed by statute in such case made and provided; and also all other persons, who may have neglected to comply with, or who may have violated the act entitled "an act to reduce into one the several acts concerning public roads, highways, ferries and bridges within this territory." And it shall be the duty of the judges of the said circuit or superior courts upon such presentment being made by the grand jury, to cause the said person or persons so presented to be summoned to appear before the said court; there to be tried by a petit jury without any indictment being filed, and if found to be guilty of neglect or non-compliance complained of, in said presentment, the court shall, and they are hereby vested with power and authority, to fine every such person or persons, in any sum not exceeding one hundred dollars with costs.

SEC. 2d. *And be it further enacted,* That it shall be the duty of the clerks of the several county courts to furnish the circuit or superior courts on the first day of each term thereof, with a list of the names of all the overseers of the roads within their county, together with the name and boundary of the district for which they may severally be appointed, and every clerk neglecting so to do, shall be fined by the said court in any sum not exceeding fifty dollars which list, shall by the said courts be handed to the foreman of the grand jury, for their information, when they shall give in charge to them the act entitled "an act concerning public roads, highways, bridges and ferries."

Sec. 3d. *And be it further enacted,* That the toll of any ferry, that may or shall be kept at any place where a public road leads to the same, shall at all times be subject to the regulation and controul of the county court of the county, in which the same may be kept; and every keeper of such ferry, who may or shall presume to charge or demand more than what the said county court may have allowed, shall forfeit and pay for every such offence the sum of ten dollars to be recovered before any justice of the peace of said county by any person or persons suing for the same.

Sec. 4th. *And be it further enacted,* That if the owner or owners, of the soil where any public ferry now is or may be hereafter established shall refuse or neglect until the expiration of the next regular term of the county court of their county from and after the passing of this act or from and after the establishment of said ferry, to give bond and security, according to the provisions of the 17th section of an act entitled "an act to amend and reduce into one the several acts concerning public roads, highways, ferries and bridges within this territory passed the first of March 1805, that then and in that case it shall be lawful for the county court of said county and they are hereby authorized and required to let out the keeping of the said ferry or ferries to any person or persons, who will engage to keep the same, for the tolls and rates fixed by the county court aforesaid; the persons or persons so engaging to keep the said ferry or ferries, to give bond and security according to law in such case made & provided.

Sec. 5th. *And be it further enacted,* That in all cases where county courts shall be about

to let out the keeping of any public ferry ; they shall first give the refusal thereof at the end of every two years, to the owner of the soil at which the said ferry is established, and if he or they so owning the soil as aforesaid, shall and will give bond and security as required by law for the keeping good sufficient boats for the passing over of all travellers and other persons crossing at the same ; then and in that case the said ferry shall in all cases be let out to the owner or owners of the soil as aforesaid ; but if the owner or owners of the soil at which said ferry is established, shall refuse to take the same as directed by law ; then the court shall and may have power to let out the keeping of the same to such other person or persons, as they may think proper.

SEC. 6th. *And be it further enacted*, That each and every fine or fines accruing or arising under this act shall be paid over to the county treasurer of the county in which the same may be collected, to be appropriated by the county court in repairing or building such causeways or bridges in the said counties as they may think proper.

SEC. 7th *And be it further enacted*, That the report of a majority of the jurors appointed by the county court for laying off any public road shall be legal and considered as the act of the whole, any law to the contrary notwithstanding.

FERDINAND L. CLAIBORNE

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 20th of December, 1809.

DAVID HOLMES, Governor
of the Mississippi Territory.

H.

AN ACT

Providing for the building and keeping in repair three bridges over Saint Catharines creek in the county of Adams.

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That Ferdinand L. Claiborne, William Brooks, & William B. Shields, be, and they are hereby appointed commissioners to contract for, and superintend the building and keeping in repair for five years, a bridge over St. Catharine's creek, at or near the place where the road now crosses the same, leading from the city of Natchez to the town of Washington.

SEC. 2d. *And be it further enacted,* That James M'Intosh, Thomas Ford and Joseph Sessions, be, and they are hereby appointed commissioners to contract for, and superintend the building and keeping in repair, for five years, a bridge over St. Catharines creek, at, or near the place where the road now crosses said creek, leading from the city of Natchez to the place where the courts were held on second creek.

SEC. 3d. *And be it further enacted,* That Adam Bingaman, Philander Smith, and Abner Green, be, and they are hereby appointed commissioners to contract for and superintend the building and keeping in repair for five years, a bridge over St. Catharines creek, at or near where the road may cross said creek, leading from the city of Natchez to Fort Adams.

SEC. 4th. *And be it further enacted,* That the commissioners, so appointed, or a majority of them respectively, shall immediately after the passage of this act, sketch out the plan of

said bridges, respectively, and fix on the kind of materials they are to be built of, and the place & manner they are to be situated, & the said commissioners shall give notice in both the newspapers published in the city of Natchez, and by advertisement posted at three of the most public places in the said county of Adams, that proposals will be received by them for the building and keeping in repair said bridges, for five years, according to the plan adopted by them, in manner directed by this act, until the expiration of thirty days after such notice shall be published; and the said commissioners at the end of the said thirty days shall examine the proposals which may be made to them for building the bridges, &c. which they are appointed to superintend as aforesaid, and let the contract out to the lowest bidder: Provided, the sum does not exceed one thousand dollars for each bridge, upon his or their giving bond with good and sufficient security, to be approved of by the said commissioners, in the penalty of one thousand dollars, payable to the Governor of the Mississippi territory and his successors in office, for the time being, conditioned for the building and completing the said bridge within the time appointed by said commissioners for the doing thereof, according to the plan adopted by said commissioners, for keeping the same in repair for five years, and to pay and satisfy all such damage as may be sustained within the time aforesaid, by any person who shall be delayed, or his property injured, or prevented from crossing said bridge in consequence of any neglect on his or their part; and said bonds taken in pursuance of this act shall be deposited in the clerks office of Adams county for safe keeping.

Sec. 5th. *And be it further enacted,* That if any person or persons so contracting shall fail or neglect to complete the bridge by him or them undertaking to build in the manner, and at the time appoined and required by the commissioners thereof for completing the same, they or a majority of them are hereby authorized and required to cause the said bridge so remaining unfinished or incomplete, to be completed; and for that purpose they shall give the same notice, let out the same, in the same manner, and take the same bond, as is directed and required in the fourth section of this act, and shall immediately put the bond of such defaulting contractor in suit in any court having competent jurisdiction, and the money recovered against him and his securities on such bond shall be paid into the county treasury of the said county of Adams for the use thereof.

SEC. 6th. *And be it further enacted,* That if any person or persons, or his or their property shall be prevented or injured in crossing any of said bridges during the term aforesaid; they not being in good and sufficient repair, the person or persons so prevented, or whose property shall be so delayed or injured, or the attorney general in behalf of such person or persons shall and may have power and authority, upon motion made in the superior or county court of said county, to demand judgment against the undertaker or undertakers of such bridge or bridges, and their securities his or their executors or administrators; and the said court shall thereupon cause a jury forthwith to be summoned who shall well and truly find and ascertain the amount of damages that such person or persons may or shall have sustained by such bridge or bridges having been out of repair,

and the said court shall enter up judgment for double the amount of damages so found by said jury and award execution accordingly in favor of such person or persons so injured as aforesaid: Provided, that such undertaker and undertakers and his or their securities, their executors and administrators have ten days previous notice of every such motion.

SEC. 7th. *And be it further enacted,* That the sum of three thousand dollars, shall be, and the same is hereby appropriated for building and keeping the said bridges in repair; and for this purpose there shall be collected from all persons liable to pay taxes in the said county of Adams by the collector of said county, in specie, at the time he collects the territorial tax a sum amounting to one fourth part of the territorial tax which any such inhabitant shall be liable to pay by law, and the money so collected by said collector shall be paid into the hands of said commissioners at the time he is required to pay the territorial tax into the territorial treasury; and the same remedy and proceedings are hereby given to the aforesaid commissioners against said collector, to enforce the collection and payment thereof, and the collector shall be allowed the same commission on the sum by him collected, and have the same allowance for insolvencies, as are by law directed and allowed on the collection of territorial taxes.

SEC. 8th, *And be it further enacted,* That when either of said bridges shall be completed in the manner prescribed by this act, the commissioners or a majority of them appointed to superintend such bridge, shall pay the said undertaker or undertakers the amount due him or them, for building such bridge, taking their receipt for the same.

SEC. 9th. *And be it further enacted* That if any surplus shall remain after paying for the building of said bridges, according to contract, the same shall, by the said commissioners, be paid into the county treasury to be applied to county purposes.

SEC. 10th. *And be it further enacted*, That if any of the commissioners in this act named, shall die, neglect or refuse to act, the county court of the county of Adams, shall have power to name and appoint some other fit and proper person to act in the places of such as may die, neglect or refuse to act, and the person or persons so appointed shall have the same power and authority as those might or would have had who are in this act before named and appointed.

SEC. 11th. *And be it further enacted*, That the commissioners appointed to superintend the building and keeping in repair a bridge for five years over St. Catharines creek, where the public road crosses the same, leading from the city of Natchez to the town of Washington, be, and they are hereby authorized to raise by subscription, such other sum or sums, as they or a majority of them may think necessary, to complete said bridge, on the plan by them adopted; Provided, that the said commissioners shall be authorized to contract for the keeping in repair said bridge for the term of ten years instead of five years heretofore directed by this act.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives

THOMAS BARNES,

President of the Legislative Council, pro tempore.

Approved, December 20, 1809.

DAVID HOLMES, Governor.
of the Mississippi territory.

AN ACT

To provide for making a turnpike road from the East bank of the Homochitto river, at or near Lang's ferry to James Erwin's.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened, That Abijah Hunt, Timothy Terrell, Joseph Foreman, of Natchez, Abner Green, Ferdinand L. Claiborne, and Cowles Mead, in Adams county, William R. Richards, Thomas Waggoner, David Nelson and James Lea, in Amite county, be, and they are hereby appointed commissioners to receive subscriptions of shares, to compose the stock of a TURNPIKE COMPANY, for the purpose of making a Turnpike road from the East bank of Homochitto, at or near Lang's ferry and the adjoining swamp, to the high lands at or near James Erwin's.*

SEC. 2d. *And be it further enacted, That the capital stock of said company, shall consist of two thousand dollars, and be divided into eighty shares, of fifty dollars each, and that on subscribing said shares an advance of ten dollars shall be required by said commissioners, on each share, which subscription shall remain open for three months, from and after the time of subscribing the same; and so soon thereafter as the full compliment of shares shall be subscribed, the commissioners shall give notice to the stockholders, appointing time and place for a general meeting, and when met, they shall proceed to choose from their own body, a President and five Directors, who shall be one body politic and corporate, in fact and name, by the style and title of THE HOMOCHITTO TURN-*

PIKE COMPANY, and by the same shall have perpetual succession, and they and their successors, shall at all times hereafter by the same style and title of "the Homochitto turnpike company" be persons able and liable in law to sue and be sued, plead and be impleaded, in any court of justice whatever, and to make, and use one common seal, and the same to alter and renew at pleasure.

SEC. 3d. *And be it further enacted*, That the President and directors of the aforesaid company shall have power, and they are hereby authorized to lay out a road, thirty feet wide from the east bank of the Homochitto, or near Lang's Ferry in Wilkinson county, crossing said river, and the adjoining swamp to the highlands near James Erwin's, in Adams county, with the privilege of cutting and using any timber wanted for the said Turnpike road; and also any earth within twenty feet of the road aforesaid: and in case the president and directors, or their agent cannot agree, with the owner or owners of such timber or earth, then it shall be lawful for the sheriff of the county where the timber or earth so wanted may be, to summon a jury of seven men to value the same, and the value so ascertained and tendered in payment to the owner thereof, shall be a sufficient authority for said company to remove such timber or earth at pleasure.

SEC. 4th. *And be it further enacted*, That the president and directors, shall have full power and authority from time to time, and at all times hereafter, to notify and require payment of the stockholders of such proportion of the money due on each share, as they may deem necessary, and in default of such payment, they are hereby authorized to advertise and sell at

auktion all such delinquent shares, and in case of such sale, all monies previously paid on any share so sold, shall be forfeited to the company.

SEC. 5th. *And be it further enacted,* That the stockholders hereby incorporated shall hold, possess and enjoy all the rights, privileges and immunities appertaining to the said corporation for, and during the term of twelve years, and that as soon as the said road shall be completed and in good condition for the passage of travellers, carts, waggons and wheel-carriages of every description, it shall be lawful for the said company to receive the following toll, to wit: For each foot passenger twelve and an half cents; for man and horse, twenty-five cents; for each cart or waggon per wheel, twenty-five cents; for each pleasurable carriage, twenty-five cents per wheel; for each horse, mule, ass or head of neat cattle, twelve and an half cents; for each head of sheep, hogs or goats, three cents.

SEC. 6th. *And be it further enacted,* That there shall be a general meeting of the stockholders; first at Lang's ferry, and afterwards at such place as they may appoint, on the first of April in each year when they shall elect by ballot and a majority of votes, a president and five directors to serve for one year, and provide such rules, and regulations as they may deem necessary for the good government of the company, which they shall have power from time to time, and at all times, to alter or amend as to them shall appear expedient; and said president and directors shall meet twice in every year at such place as they may appoint; and the president with the advice of three directors, shall have power to call extraordinary meet-

ings, by publishing the same in some Newspaper in this territory, and to hold such intermediate meetings, on their own adjournments, as they may think necessary for the interest of the company.

SEC. 7th. *And be it further enacted*, That each share-holder shall be eligible as a director, and be entitled to vote in the following manner, to wit : each person holding two shares shall have two votes ; four shares three votes ; eight shares four votes ; fifteen shares five votes ; twenty-five shares six votes ; forty shares seven votes, which shall be the highest vote given by any one share holder ; and that if any share-holder shall find it inconvenient to attend any meeting of the stockholders, it shall be lawful for him, by note in writing, to constitute any share-holder his proxy, who is hereby authorized to vote for such absent share-holder ; and in case the stock shall be oversubscribed, the greatest number of wares held by any stockholder shall be reduced, if necessary down to one share, so as to give a share to each subscriber who may have subscribed after the subscription has been filled ; and in case of an equal number of shares being held by two or more subscribers ; and it should not be necessary to reduce the whole of them, then, and in such case, the same shall be determined by lot ; and the said president and directors shall at their annual and semi-annual meetings examine the funds of the company, and declare such dividend on each share as they may think proper.

SEC. 8th. *And be it further enacted*, That if the said company shall fail to keep the said road in good condition, according to the provisions of this act or in anywise impede the passage of the above enumerated subjects, liable

to pay toll ; they shall forfeit and pay to the party aggrieved, double the toll so chargeable for every hour the same may be impeded or detained, for twelve hours ; and if the said turnpike road shall at any one time remain out of repair during six months, said company shall forfeit to the territory all the rights, privileges and immunities, granted by this act.

SEC. 9th. *And be it further enacted, That* the legislature shall at all times after the expiration of ten years, have power to alter or amend this act as to them shall appear expedient.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 21 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To divide Washington county and for other purposes therein mentioned.

SECTION 1st. *BE it enacted by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened,* That the county of Washington shall be, & the same is hereby divided in the following manner, to wit : Beginning on the line of Demarkation, where the trading road leading from the Choctaw nation, to Mobile crosses the line, thence along said trading road, to the present Choctaw boundary line, thence along said boundary line to Pearl river, thence down the same to the line of Demarkation, and with the

same to the place of beginning, and all that tract of county within the above described boundary, shall compose a county, which shall be called Wayne.

SEC. 2d. *And be it further enacted*, That all that tract of country within the following boundaries, to wit : beginning on the line of Demarkation, where the trading road leading from the Choctaw nation to Mobile, crosses the same, thence with the said trading road; to where the fifth parallel township line crosses the same, thence East with said line to Bassett's creek, thence down the same to its junction with the Tombigbee river, thence up said river to where the fifth parallel township line crosses the same, thence with said township line East, to where it intersects the Indian boundary line, thence with said boundary to the cut off, thence up the cut-off to the Alabama river, thence across the same to the Indian boundary line, thence with said boundary line to the line of Demarkation, and with the same West, to the beginning, shall compose a county which shall be called Baldwin.

SEC. 3d. *And be it further enacted*, That all that tract of country within the following boundaries, to wit : Beginning on the trading road leading from the Choctaw nation to Mobile, where the fifth parallel township line crosses the same, thence East with the said line to Bassett's creek, thence down the same to its junction with the Tombigbee river, thence up the said river to where the fifth parallel township line crosses the same, thence with said township line East, to where it intersects the Indian boundary line, thence with the same to where it intersects the northern Indian boundary, thence with the same Westwardly, to the

trading road, and with said road, to the beginning, shall compose a county which shall be called Washington.

SEC. 4th. *And be it further enacted, That* James Patton, Thomas Morgan, John Brewer, John Skinner and Michael Elliott be, and they are hereby appointed commissioners for the county of Wayne; John Hanson, William Buford, John Johnson, John Carlson and John Joseph Stiggins, commissioners for the county of Baldwin; Francis Stringer, George Brewer, John Baker, William Murrell and John Pickering, commissioners for the county of Washington, with power and authority to fix and establish the permanent seat of Justice within their several counties, and in case of a division of either of said boards of commissioners, a majority shall rule.

FERDINAND L. CLAIBORNE

Speaker of the House of Representatives.

THOMAS BARNES,

President of the Legislative Council, pro tem.

Approved the 21 of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

Authorizing the collection of a special tax in the counties of Washington, Baldwin and Wayne.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened, That* the county courts of Washington, Baldwin and wayne counties, be, and they are hereby authorized to levy a tax in their respec-

tive counties for the years eighteen hundred ten and eleven, for the purpose of erecting a court-house, jail, pillory and stocks, in each of the aforesaid counties: Provided, the sum so collected does not exceed one half the amount of the territorial tax.

SEC. 2d. *And be it further enacted,* That the tax levied as aforesaid, shall be on the same species of property, subject to the territorial tax, and be payable, only in gold or silver coin made current by the laws of the United States; which tax shall be collected at the same time, by the same person, and paid over to the county treasurer, at the same time that collectors of the counties aforesaid are by law directed to pay the territorial tax into the treasury.

SEC. 3d. *And be it further enacted,* That the tax collectors shall receive for collecting as aforesaid, two and a half per centum on all monies so collected and paid into the county treasury, and on failure of any of the collectors aforesaid, the county courts of the aforesaid counties respectively, shall have the same remedy against such delinquent collector, as is by law given to the auditor of public accounts.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 21, December, 1809.

DAVID HOLMES, *Governor*
of the Mississippi Territory.

AN ACT

To amend an act entitled, "an act for the appointment of justices of the peace, and the establishment of county courts."

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That it shall not be lawful for any justice of the quorum to take cognizance of debts under twenty dollars, but the same shall be exclusively cognizable by the justices of the peace.

SEC. 2d. *And be it further enacted* That the 12th section of the act entitled "an act for the appointment of justices of the peace, and the establishment of county courts," be, and the same is hereby repealed.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 21, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Concerning Attornies General.

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That the attorney general for the counties of Adams, Wilkinson, Jefferson and Claiborne shall attend the circuit or superior courts of the aforesaid counties, and also, of all the counties

adjoining the same, West of Pearl river, any law to the contrary notwithstanding.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative council.

Approved, 21 December, 1859.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To divide Adams county, and establish a county by the name of Franklin.

SECTION, 1st. *Be it enacted by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened,* That the part of Adams county included within the following boundaries, shall hereafter compose one county, to be designated and known by the name of Franklin, to wit: beginning at the point where the Basis meridian line, intersects the river Homochitto, and pursuing the said meridian line until it intersects the line dividing the counties of Adams and Jefferson, thence pursuing the last mentioned line to the Western boundary of Washington county, thence pursuing the last mentioned line until it intersects the Northern boundary of Amite county, thence along the said last mentioned boundary line, to the point where it intersects the said river Homochitto, and thence pursuing the meanders of said river to the beginning point first mentioned.

SEC. 2. *And be it further enacted, That,* John Spires, Richard Coleman, Dougal M'.

Laughlin, Stephen Middleton and Samuel Katchiff, or a majority of them, shall be, and they are hereby appointed commissioners, with full power and authority to purchase twenty-five acres of land, whereon to erect a court house, jail, stocks and pillory for said Franklin county, that they contract with some qualified person or persons, for erecting the said buildings, taking bond with approved security, for the faithful performance of the same according to the plan, and to be finished at the time prescribed by the said commissioners. Provided, the site to be fixed on by said commissioners for the erection of said buildings shall be within two miles of the intersection, the third parallel sectional line with the Eastern boundary line of township number six, range number two east.

SEC. 3d. *And be it further enacted,* That at least two acres of land shall be reserved by said commissioners, out of the aforesaid twenty five, on which the public buildings are to be erected, and the balance thereof shall be laid out into a town by the name of Franklin, with streets of at least sixty feet wide, and into lots of one half acre each, which said lots the aforesaid commissioners shall have power & authority to sell out to the highest bidder at public vendue, and make deeds therefor, and all sums that may or shall be received over and above what may pay for the land which shall be purchased as aforesaid, shall by the said commissioners be appropriated towards paying for the public buildings of said county.

SEC. 4th. *And be it further enacted,* That a sum not exceeding two thousand dollars be, and the same is hereby appropriated for the purpose of completing said public buildings and the county court of said county are here

by authorized to levy a tax of two thousand dollars on the inhabitants of said county in the manner following, to wit: for the year 1810, one thousand dollars; and for the year 1811, one thousand dollars, to be assessed, collected and paid in like manner as other taxes; Provided, that the tax aforesaid shall be collected and paid by the collector in specie.

SEC. 5th. *And be it further enacted, That until such time as the said public buildings are completed and received by the commissioners or a majority of them, and reported by them as ready for the reception of the court, by public advertisement in one of the Newspapers of this territory; the court of said county shall be held at the house of Samuel Ratcliff, and so soon as said buildings shall be received and advertised as aforesaid, the said court with all proceedings therein, shall stand ajourned to the place fixed on by said commissioners.*

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives.

THOMAS BARNES,
President of the Legislative council. pro tem.
Approved, 21 December, 1809.

DAVID HOLMES, Governor
of the Mississippi territory.

AN ACT

To repeal an act entitled "an act establishing two intermediate courts for county purposes, and to extend the powers of the Chief Justice of the Orphan's courts" and for other purposes.

SECTION, 1st. *Be it enacted by the Legislative council and House of Representatives of the*

Mississippi territory in general assembly convened,
That it shall be the duty of the justices of the county courts, and they, or any three of them, may hereafter hold two intermediate courts in their respective counties, in each and every year, to wit : in the county of Amite, in the third Mondays in April and October ; in the county of Wilkinson on the first Mondays in April and October ; in the county of Adams, on the second Mondays in April and October ; in the county of Franklin, on the fourth Mondays in May and November ; in the county of Jefferson, on the fourth Mondays in April and October ; in the county of Claiborne, on the second Mondays in May and November ; in the county of Baldwin, on the first Mondays in July and January ; in the county of Washington, on the second Mondays in July and January ; in the county of Wayne, on the third Mondays in July and January, and in the county of Madison, on the first Mondays in April and October ; and each of the said courts may continue to be held two judicial days at each and every term, and no longer.

SEC. 2d. *And be it further enacted* That the aforesaid intermediate courts shall have power to perform all the duties now given and required of them by the existing laws of this territory, as an Orphan's court, and also to do the business of the county as it relates to roads, bridges, ferries, &c and no more.

SEC. 3d *And be it further enacted,* That an act entitled "an act establishing two intermediate courts for county purposes, and to extend the power of the chief justice of the Orphan's court," passed March the first, eighteen hundred and eight, be, and the same is hereby repealed.

SEC. 4th. *And be it further enacted,* That it shall be the duty of the sheriff's of the counties of Madison, Franklin and Warren, to open the next superior court of law & equity, for their respective counties, on the day appointed by law for holding the same, and it shall be the duty of one of the select justices in each of said counties, to attend thereat, and if none of the judges shall appear, the said justice shall immediately proceed to administer the oath of office to the clerk, if he shall not have taken it before, and proceed with the sheriff to select the number of persons required by law to serve as jurors at the next succeeding court, in the same manner as any of the territorial judges might have done, and immediately afterwards, the sheriff shall adjourn the same to its next term.

SEC. 5th. *And be it further enacted,* That it shall be lawful for the clerk of the circuit or superior court of said counties to issue process, tested of the first day of the term of such aforesaid courts, as if it had actually been opened and holden by one of the territorial judges.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 22, December, 1809.

DAVID HOLMES, *Governor*

of the Mississippi Territory.

AN ACT

Supplementary to "an act, concerning Wills and Testaments, the settlement of intestate's estates, and the duty of executors, administrators and guardians."

SECTION 1st. *BE it enacted by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened, That from and after the passage of this act, it shall not be lawful for any executor or executors, administrator or administrators, guardian or guardians, to take the estate or any part thereof, of any testator or intestate, at the appraised value, or to dispose of the same at private sale, except where the same is directed by the Will of Testator. But in all cases where it may be necessary to sell the whole or any part of the personal estate of any testator or intestate, that it shall be the duty of the executor, administrator, or guardian to apply to the Orphans court of their county for an order of sale, & upon obtaining the same to advertise the time and place of such sale, in three or more public places in their county, at least thirty days previous to the day of sale, and then and there proceed to sell the same at public sale to the highest bidder, giving at least six months credit, the purchaser giving bond with approved security.*

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 22 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Directing courts to be held in the counties of Franklin and Madison, and for dividing the County of Claiborne, and erecting a new county by the name of Warren.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened,* That the county courts in the county of Franklin shall be held on the third Mondays in February and August, in each and every year; and that there shall be held a superior court of law and equity in said county on the first Mondays in June and November in each and every year.

SEC. 2d. *And be it further enacted,* That William Dickson, Edward Ward, Louis Winston, Alexander Gilbreath and Peter Perkins, residing in the county of Madison, be appointed commissioners for the purpose of fixing on the most convenient place for establishing the public buildings in the said county; and they or a majority of them shall have power and authority to procure by purchase or otherwise, not less than thirty, nor more than one hundred acres of land, at the most convenient and suitable place for the erection of the public buildings aforesaid, which tract of land when obtained either by purchase or otherwise as aforesaid, shall be laid out into half acre lots, by the commissioners aforesaid (reserving three acres, upon which the public buildings shall be erected) and be sold at public auction on twelve months credit and the money arising therefrom, (after paying for the land aforesaid if the same shall be purchased) shall be applied by said commissioners towards defraying the expences of erecting the public buildings of the said county.

SEC. 3d. *And be it further enacted,* That the town so laid out shall be called and known by the name of Twickenham, and so soon as the public buildings are fit for the reception of the courts of the said county; the said commissioners shall report the same to the county and circuit, or superior courts of said county, as the case may be, who shall thereupon adjourn their courts, respectively to the the court house so erected as aforesaid.

SEC. 4th. *And be it further enacted,* That all that part of the Mississippi territory which lies North of the river Big-black, is hereby erected into a new county, which shall hereafter be called and known by the name of Warren; and Benjamin Hicks, James Scarlet, Jonas Griffin, Jesse Smith and Stephen Gibson are hereby appointed commissioners: they or a majority of them shall have full power and authority to fix on the most central and convenient place, on which the public buildings in said county shall be erected, and to procure by purchase or otherwise, not less than twenty, nor more than one hundred acres of land at the most suitable place as aforesaid, for the erection of the said public buildings; which tract or parcel of land, when obtained, shall be laid out by the said commissioners into half acre lots. (reserving two acres as a public square, on which the public buildings are to be erected) which shall be sold at public auction at twelve months credit, the purchaser giving bond and security to be approved of by the said commissioners: and the money arising from such sale (after paying for the land which shall have been purchased as aforesaid,) shall be applied by said commissioners towards defraying the expences of erecting the public buildings of the said

county. And the town so laid out, as aforesaid, shall be called and known by the name of "Warrenion" and so soon as the public buildings are fit for the reception of the courts of the said county, the commissioners shall report the same to the county court, or circuit or superior court thereof, who shall thereupon, respectively adjourn their said courts to the court house of said county ; and until the court-house shall be fit for the reception of the courts as aforesaid, they shall be held at the house of Mr. Hylands in said county.

SEC 5th. *And be it further enacted,* That there shall be levied and collected, by the assessor and tax collector for the said county of Warren, on all property subject to taxation in said county, a special tax, equal to three fourths of the territorial tax, to be paid in specie, and collected at the same time and manner as the territorial tax is collected for the year 1810, and the collector shall have the same compensation for collecting the same as is allowed for collecting the territorial tax, and when collected, it shall be paid over to the commissioners appointed by this act, to superintend the public buildings of said county, to be by them appropriated towards defraying the expences thereof, and the commissioners shall have the same power by motion in a summary way, to proceed against such collector in case of his neglect or refusal to pay over such money, as is given against him in case of his refusal to pay over the territorial tax.

SEC. 6th. *And be it further enacted,* That there shall not be more than one assessor and tax collector appointed for the two counties of Claiborne and Warren, for the year one thousand eight hundred and ten, any law to the contrary notwithstanding.

the county courts for the county of Warren shall be held on the first Mondays in January and July in each and every year; and the circuit or superior court of the said county, on the third Mondays in February and August annually.

SEC. 8th. *And be it further enacted,* That all process now issued, and not returned to the several circuit or county courts in the county of Claiborne, against defendants residing in the county of Warren, shall be executed and returned in the same manner as though this act had not passed; and the said circuit or superior, or county courts, at their first terms after the passage of this act, shall order and direct, and all suits or causes whatever depending in said courts, and undetermined, with all the original papers thereunto appertaining, where the defendant or defendants reside in the said county of Warren, shall be transferred to the respective county or circuit, or superior court of the said county.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 22, 1809

DAVID HOLMES, *Governor*

of the Mississippi territory.

AN ACT

To establish a permanent boundary line between the counties of Adams and Jefferson.

SECTION, 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly-convened,*

That the dividing line between the counties of Adams and Jefferson, shall hereafter be as follows, to wit : beginning at the Mississippi river immediately opposite the plantation of E. Rose, and thence running on the North side of the said Rose's plantation to Stover's Mount near Fair-child's creek ; thence running up the South branch of the said creek, following its course up the main branch of the said creek, to a place known by the name of John Griffin's still house spring ; thence to the North end of Edmund Andrew's Gin, and thence a due East course until it intersects the Basis meridiana line ; thence pursuing the said line South, until it intersects the seventh parallel township line ; thence pursuing said township line until it intersects the Indian boundary line.

SEC. 2d. *And be it further enacted*, That all process now issued from Jefferson county or circuit courts, shall be executed, and returned in the same manner as though this act had not been passed.

FERDINAND L. CLAIBORNE

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 22 of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

To abolish the Supreme court of the Mississippi territory.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly con-*

enacted, That the circuit courts heretofore established by law, for the several counties of the territory, shall hereafter be called and known by the names of "superior court of law and equity" for the counties of Madison, Claiborne, Jefferson, Adams, Wilkinson and Amite, and the said superior courts of law and equity in their several counties, respectively, shall have, possess and exercise all the powers and jurisdiction, both in law and equity as heretofore exercised by the supreme court of the Mississippi territory, and the several circuit courts thereof; provided, that nothing in this section contained shall be construed to make void any process now issued from, and not returned to the several circuit courts in the territory, but the same shall be returned and filed in the said superior court of law & equity established in that county, and be as legal and valid, as though the court of been returned to the heretofore circuit same had said county.

SEC. 2d. *And be it further enacted* That the clerk of the supreme court of the Mississippi territory shall, and he is hereby required to transfer the original papers, records and other judicial proceedings, in each cause or suit now depending and undetermined in the said supreme court, to the several superior courts of law and equity where the said cause or suit originated or commenced, or the parties reside, and where the parties reside in different counties of the territory, to the county where the defendant or defendants reside; and the records, minutes, papers and other judicial proceedings in all causes and suits which have been determined in the said supreme court, shall be transferred to the superior court of law and equity of Adams county to be deposited

in the office for safe keeping : Provided, that the said superior courts of law and equity shall, and they are hereby directed to be held at the same time and places, in the several counties of this territory as the circuit courts of said counties were heretofore respectively directed by law to be held.

SEC. 3d. *And be it further enacted*, That all process now issued from, and not returned to the supreme court of the Mississippi territory shall by the sheriff or other officer to whom the same are directed, be returned to the first term of the superior court of law and equity of that county to which the original papers in said suit may or shall be transferred, by the clerk of said supreme court, there to be filed, and be as legal and valid, and the same proceedings to be had thereon, as though the said process had been returned to the aforesaid supreme court.

SEC. 4th. *And be it further enacted*, That the auditor of public accounts may, and shall have power and authority, and it shall be his duty whenever any collector appointed under an act of the general assembly of this territory, entitled "an act to raise a revenue" shall fail to pay into the territorial treasury any money which may be due from him as collector, to move against any such delinquent collector or collectors, his or their security or securities, executors or administrators in the superior court of law and equity, for the county in which the said collector may reside, in the same manner as the said auditor is directed to move against such delinquent collector or collectors, in the heretofore supreme court by the seventeenth section of the before recited act, and the said superior court shall have and possess the same jurisdiction in such cases as the supreme court heretofore exercised and possessed.

SEC. 5th. *And be it further enacted,* That the clerks of the respective circuit courts of the different counties of the territory, shall and they are hereby required to transfer all the original papers, records and other judicial proceedings in the said circuit courts, to the superior court of law and equity established in that county. And the clerks of the said superior courts of law and equity, respectively, shall have, demand and receive the same fees and compensation as the clerks of the circuit courts and supreme court heretofore were entitled by law to receive.

SEC. 6th. *And be it further enacted,* That the supreme court of the Mississippi territory, as heretofore established by law, is hereby abolished, any law, or custom to the contrary thereof, notwithstanding.

SEC. 7th. *And be it further enacted,* That it shall and may be lawful for the clerk of the supreme court of the Mississippi territory, and also for the late clerks of the late superior courts of the Mississippi territory, and also for the clerks and masters in equity of the late courts of equity of Adams and Jefferson districts, on or before the first day of July next, to make out, subscribe and deliver to the clerks of the several superior courts by this act established, their accounts or bill of fees, which they are by law entitled to receive for services by them performed, respectively, in said courts, and charged against the persons for whom said services were performed ; and the said clerks of the several superior courts established by this act, are hereby authorized and required to issue execution on the account or bill so rendered, and direct the same to the sheriff of his county for collection which sums when collected.

shall remain in the office of the clerk, subject to the order of the person entitled to the same.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 22 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Respecting runaway slaves committed to Jail.

BE it enacted by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened, That where any slave is now in the jail of any county, or shall hereafter be committed to the jail of any county within this territory, as a runaway, and such runaway slave shall not be claimed and proved by the owner thereof, within six Months from the first publication of the commitment of such slave, in some Newspaper published in this territory, it shall be lawful for the sheriff of the proper county to sell said runaway slave at public auction, at the court-house of his proper county, upon giving at least thirty days previous notice of such sale, by advertisement published in some Newspaper in this territory, at the court-house of the proper county, and at least two other public places within the same; and out of the proceeds arising from the sale of any runaway slave as aforesaid, the sheriff shall be entitled to the same commission and fees as are allowed in the case of executions; and the

balance, after paying all prison fees, & the maintenance of said runaway slave whilst in jail, shall be for the use of the proper county: Provided, that if the owner of such runaway slave, shall after such sale prove his property in any such slave, the proper county shall pay to him the amount that shall have been paid into the county treasury, on account of the sale of such slave, but the right to any slave sold as aforesaid, shall be and remain vested in the purchaser under the sale made by the sheriff, as aforesaid, any law to the contrary notwithstanding.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 22, December, 1809.

DAVID HOLMES, *Governor*

of the Mississippi Territory.

AN ACT

To amend an act entitled "an act concerning elections."

BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General Assembly convened, That so much of the act, to which this is an amendment, as requires that an election shall be held in each county throughout this territory on the fourth Monday of July in every second year, after the fourth Monday in July in the year one thousand eight hundred & eight, for members of the house of representatives of this territory, shall be, and the same is hereby repealed.

and the next election to be holden for members of the House of Representatives of this territory shall commence on the fourth Monday in May, in the year one thousand eight hundred and eleven, and a delegate to represent this territory in the Congress of the United States, shall be elected at the same time ; and elections for members of the House of Representatives of this territory, and a delegate to the Congress of the United States shall commence on the fourth Monday in May in every second year thereafter, any law to the contrary notwithstanding.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative council.

Approved, 22 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Concerning the Militia of the Mississippi territory.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That each & every free white male citizen residing in this territory, and being of the age of eighteen years, and under the age of forty-five (except as is hereinafter excepted) shall severally and respectively be enrolled in the militia by the commanding officer of the company within whose bounds such citizen may reside. And it shall at all times hereafter be

the duty of such commanding officer to enroll every citizen who shall from time to time arrive at the age of eighteen years (except as before excepted) or shall come to reside within his bounds, and shall without delay notify such citizen of the said enrollment by a proper non-commissioned officer of the company by whom such notice may be proved. The officers executive and judicial, the territorial treasurer, all ministers of the Gospel licensed to preach according to the rules of their sect, regularly practising Physicians, teachers in public Seminaries and school-masters, and keepers of the public Jails, and of public Ferries shall be, and they are hereby exempted from the duties of this act.

SEC. 2d. *And be it further enacted,* That every citizen so enrolled and notified shall within six months thereafter (or as soon as such can be had in the territory) provide himself with a good musquet or firelock, sufficient Bayonet and belt, two spare flints and a knapsack, a pouch with a box therein to contain not less than eighteen cartridges, suited to the bore of his firelock, to contain a proper quantity of powder and ball; or with a good Rifle, Knapsack, shot pouch and powder horn, eighteen balls suited to the bore of his Rifle, a quarter of a pound of powder and a tomahawk, or small hatchet; and shall appear so armed, accoutred and provided when called out to exercise or into service, except when called out on company days to exercise only, when he may appear without a knapsack; the commissioned officers severally shall be armed with a sword or hanger and a spontoon, and as soon as such can be provided in the territory, all Musquets for arming the militia as is herein required shall be

of bores sufficient for balls of the eighteenth part of a pound, agreeably to the law of the United States, passed May the eighth, seventeen hundred and ninety two, and every citizen so enrolled and providing himself with arms, ammunition and accoutrements required as aforesaid, shall hold the same exempt from suits, distress, executions or sales for payment of debt for taxes

SEC. 3d. *And be it further enacted,* That the militia of the territory shall form one brigade, the general staff of which shall be as follows, viz. one brigadier general, so soon as one shall be appointed by the President of the United States, agreeably to the ordinance for the government of this territory, one brigademajor and one aid-de-camp, each with the rank of captain.

SEC. 4th. *And be it further enacted,* That the militia of this territory shall be organized in regiments and battalions, each regiment shall consist of one lieutenant colonel commandant, one adjutant, one quarter-master and one pay-master, each with the rank of first lieutenants; one surgeon and one surgeon's-mate; and two battalions, each battalion to consist of one major, four captains, four lieutenants, and four ensigns, one serjeant-major, one quarter master serjeant, one senior musician; and four companies, each company to consist of four serjeants, four corporals, two musicians and sixty privates

SEC. 5th. *And be it further enacted,* That where the population of a county exceeds the number of citizens liable to militia duty, sufficient to form one regiment and is insufficient to form two regiments, the Governor of the territory may commission the officers for,

and organize a third battalion in said county in like manner as the officers of the other battalions, and which said battalion shall be annexed to the regiments of the respective counties until the population of said county is sufficient to form another regiment, in which case the said extra or third battalion shall be considered as the first battalion of a second regiment in said county, and which said second regiment shall be officered and organized in like manner as the other regiments in said territory. Provided, that whenever a surplussage of population shall occur an extra battalion shall be formed, which battalion shall always be considered as belonging to and annexed to the first regiment of its respective county until another battalion can be organized, when the said extra battalion shall be first of another regiment, and in like manner thereafter.

SEC. 6th. *And be it further enacted*, That the commander in chief be, and he is hereby authorized whenever he may deem it expedient in like manner to organize in each county, one or more troops of cavalry to consist each of one captain, one first and second lieutenant and one cornet, four serjeants, four corporals, one trumpeter and forty privates, by voluntary enlistment, who shall be furnished, armed and equipped as follows, viz: each a good horse at least fourteen hands high, a good saddle, bridle, valise, holsters, one pair of pistols and a proper horseman's sword, cartridge box to contain not less than six cartridges, and to be uniformed as the commander in chief may direct; and which said troops of horse shall be attached to such regiment in their respective counties as the commander in chief may deem expedient, and be subject to the same rules and regulations,

and under orders of the commanding officer of the regiment to which it is attached.

SEC. 7th. *And be it further enacted,* That it shall hereafter be the duty of the several regimental adjutants to attend all regimental and battalion musters, subject to the orders of the commanding officer present, and it shall be the further duty of the said adjutant to keep an exact detail of the duty of the regiment to which he belongs, and also a correct roster of the different tours of duty performed by the officers of said regiment; he shall also keep a regimental book, in which he shall insert the names, rank and dates of commission of all the officers of said regiment, a list of all promotions and resignations, sentences of general, regimental and battalion courts-martial, also copies of all general and regimental orders. It shall also be the duty of said adjutant to make out from the muster rolls of the battalions and regiments (copies of which he is to be furnished with in the manner herein prescribed) a general list of all persons who defaulted in attending said musters, a copy of which list he shall within five days after such muster transmit to the president of such courts martial to be appointed in manner hereinafter specified, for the trial of such defaulters,; whenever a detachment is ordered from its regiment, it shall be the duty of the said adjutant to muster and inspect the same, and certify the muster rolls thereof, and he shall likewise convey all orders which he may from time to time receive from the commanding officer of said regiment to the officers commanding battalions and companies thereof.

SEC. 8th. *And be it further enacted,* That the compensation of each and every such adjutant, shall be for every day he may be necessa-

and employed in performing the duties prescribed by this act, the sum of three dollars, to be paid annually on the certificate of the commanding officer of the regiment, and such certificate being presented to the auditor of public accounts he shall issue his warrant to the territorial treasurer to pay the same out of any monies in the treasury not otherwise appropriated.

SEC. 9th. *And be it further enacted,* That instead of an adjutant general there shall be appointed and commissioned by the Governor a brigade major, whose duty it shall be under the orders of the commanding officer in chief to make out all details of duty for the militia of this territory, to keep a general register in which he shall record a list of all militia officers appointed and commissioned by the Governor together with their dates of commission, of promotions, resignations and other vacancies, and all sentences of general courts martial, he shall also make out forms for all returns of inspection, muster and pay-rolls, monthly, regimental, battalion and company returns and reports; copies of which he shall transmit to the different regiments for their government. He shall also transmit all such orders as he may receive from time to time from the commander in chief, or the brigadier general when appointed, to the militia of the territory. It shall be the further duty of the brigade major to attend at regimental and battalion musters, where he shall muster and inspect the officers, non-commissioned officers and privates of the respective regiments and corps, their arms accoutrements and ammunition; he shall likewise assemble at least once in every year, the commissioned officers of the several regiments within their respective counties at such times and

places as the commander in chief may direct, for the purpose of being trained and inspected in military discipline, and shall there instruct and train the said officers in the duty and discipline prescribed by law, at least two days at every such meeting. He shall likewise semi-annually make out & lay before the executive of the territory, a general return and report of the militia thereof, their arms, accoutrements, ammunition and discipline, and every other thing which may in his judgment relate to their discipline and the general advancement of good order.

SEC. 10th. *And be it further enacted*, That the said brigade major shall receive as a full compensation for all his services, the sum of five hundred dollars per annum, to be paid by the treasurer, out of any monies in the treasury not otherwise appropriated, on a warrant from the auditor issued on the order of the commander in chief.

SEC. 11th. *And be it further enacted*, That the regiments in the different counties, shall be numbered as follows: the regiment in the county of Amite shall be the first, the regiment in the county of Wilkinson shall be the second, the regiment in the county of Adams shall be the third, the regiment in the county of Jefferson shall be the fourth, the regiment in the county of Claiborne shall be the fifth, the regiment in the county of Washington shall be the sixth, the regiment in the county of Madison shall be the seventh, and such other regiments as may be organized shall be numbered as the commander in chief may direct and cause the same to be registered in the office of the brigade major, and every commission hereafter issued by the Governor shall express the

regiment to which the person to whom the same is directed shall belong.

SEC. 12th *And be it further enacted*, That the commanding officers of the regiments and battalions shall meet at the place where their regimental musters are held, on the same day in the month of May annually, and then and there to make new divisions if necessary of their respective counties into districts, for the purpose of organizing the companies as by this act established, which districts so laid off shall be distinguished by certain lines and boundaries, and reported to the brigade major, and to be by him laid before the commander in chief for the purpose of forming thereby new battalions or regiments.

SEC. 13th. *And be it further enacted* That it shall be the duty of every commanding officer of a company to divide his company into four squads by ballot, from one to four for the purpose of regular routine of duty when called into actual service, and to return a roster of each squad and its number in rotation within twenty days thereafter to the commanding officer of the regiment, who shall order the same to be recorded by the adjutant. The same regulations shall be observed in the future enrolment of any person, unless such person shall produce a certificate of his having been before drafted for the above purpose, in which case he shall be enrolled according to such certificate.

SEC. 14th: *And be it further enacted*, That every commissioned officer of the militia shall previously to the entering on the execution of his office, take and subscribe on oath to support the constitution of the United States, and also, the following oath of office, viz: I, A. B. do solemnly swear that I will faithfully and

justly execute the office of a ——— in the ——— militia of the Mississippi territory according to the best of my skill and judgment, so help me God. A certificate of which oath shall be filed in the office of the brigade major.

SEC. 15th. *And be it further enacted,* That there shall be a private muster of each company of militia formed by virtue of this act, once in every three months in every year to be appointed by the commanding officer thereof, at, or as near as may be to the centre of his company district. There shall be a muster of each battalion in the month of February in every year to be appointed by the commanding officers of the regiments to which such battalions respectively belong, at, or near as may be to the centre of the battalion, and a muster of each regiment in the month of October in every year to be appointed by the brigadier general or officer commanding the brigade at, or as near as may be to the centre of such regiment; which said company, battalion and regimental musters shall continue one day each and no longer.

SEC. 16th. *And be it further enacted.* That the brigadier general or officer commanding the brigade shall cause notice to be given of the times and places of the said regimental musters to the commanding officers of the respective regiments, at least thirty days previous to said muster, who shall give notice thereof through the adjutant of his regiment, to the commanding officers of battalions, at least twenty five days previously to any such regimental or battalion muster; and the said major or commanding officer of battalion or the regiment shall give notice of such regimental or battalion muster to each of the captains or officers commanding companies in said regiment, at least

fifteen days previously to said muster which said notices so given by the adjutant shall be either in person to each of the aforesaid officers, or by a notice in writing left at the usual place of abode of the said officers so to be notified. And the commanding officers of companies shall give like notices of the company musters to every person of their respective companies, and to that end the commanding officers of companies may order so many of their non-commissioned officers as they shall think fit, to give such notice, and such notices last mentioned shall be given at least five days previously to such company, battalion or regimental muster. Provided always, that on all extraordinary occasions the time of notice may be curtailed to meet the emergency, at the discretion of the commander in chief. And all notices, whether for company, regimental or battalion musters, or for any other service shall particularly specify the place where such muster or parade shall be held. Any commissioned officer ordered as aforesaid, to give such notices and failing therein (without a reasonable excuse to be judged of by the next regimental or battalion court martial) shall forfeit and pay the sum of fifty dollars; and any non-commissioned officer neglecting or omitting to give such notice or warning after receiving such orders from the captain or commanding officer shall (without reasonable excuse to be judged as aforesaid) forfeit and pay the sum of twenty dollars; which said sums shall be recovered in like manner as all other sums herein specified.

SEC. 17th. *And be it further enacted,* That if either the officers acting as adjutant general or any of the regimental adjutants shall neglect or refuse to communicate orders either for

muster or other duty after having the same from the proper authority, such officer so offending shall be put under arrest and tried by a general court martial, which said court shall have power and authority on the charges being proven to pass sentence of cashiering against either of said officers and also to inflict a fine proportionate to the offence not exceeding one hundred dollars. And if any officer shall be guilty of disobedience of orders, or otherwise misbehave when on duty, or shall at any time be guilty of any conduct unbecoming the character of an officer he shall be put under arrest and tried by a general court martial for the same, which said court shall have authority to pass sentence of reprimand, suspension from command or dismissal from office.

SEC. 18th. *And be it further enacted,* That if any non-commissioned officer or private, shall at any regimental, battalion or company muster behave disorderly or mutinously, the commanding officer shall cause him to be confined during the muster; and it shall further be the duty of the commanding officer to report the conduct of such non-commissioned officer or private to the next court martial which may be holden for the purpose of assessing fines, and upon conviction, the said non-commissioned officer or private shall be fined by the court in a sum not exceeding twenty dollars.

SEC. 19th. *And be it further enacted,* That if any non-commissioned officer or private shall behave himself mutinously or disobediently at any time when on duty or before the court or board directed by law to be held, the commanding officer, court or board may confine him for the day; and if any bystander shall interrupt or insult any officer or soldier while on

duty at a muster, or be guilty of any misconduct before a court or board as aforesaid, the commanding officer of such court or board may cause him to be confined for the day

SEC. 20th. *And be it further enacted,* That if any person who is by law subject to perform militia duty, shall appear at any company, battalion or regimental muster as a spectator or bystander, the commanding officer of the company to which he may belong shall order him to take his place in the ranks, and for refusing so to do, the commanding officer as aforesaid shall order him under confinement for the day, and the said offender shall moreover be fined in the sum of ten dollars.

SEC. 21st. *And be it further enacted,* That every officer and private shall appear at his respective muster-field on the day appointed by eleven o'clock in the forenoon. At every muster each captain or commanding officer of a company shall call his roll or cause the same to be done in his presence, examine every person belonging thereto, and note down all delinquencies occurring therein, and make return thereof at the next regimental or battalion muster to the commanding officer of his battalion, including those which may occur on that day; and every commanding officer of a battalion shall at his regimental or battalion muster (as the case may be) in like manner call his roll or cause the same to be done in his presence, examine and note down all delinquencies in his battalion and make return thereof together with those reported from commanding officers of companies, to the commanding officer of the regiment to which he belongs on the day next succeeding such regimental or battalion muster (as the case may be) who shall lay the

whole (or so much thereof as the court may have cognizance of) before the court hereinafter appointed to take cognizance of and determine on such delinquencies. Provided, that the commanding officer of a battalion shall not be obliged to extend his roll call or individual examination beyond the officers, unless he shall observe some apparent necessity for so doing. And to each of the said returns shall be annexed the following certificate, to wit: I certify that the return hereunto annexed contains all the delinquencies which have occurred in my company or battalion (as the case may be) since my last return, having examined the same as the law directs. And to the battalion returns shall be added "and that the reports which accompany them are all which have been made by the commanding officers of the companies."

SEC. 22d. *And be it further enacted*, That in all cases of death, absence or resignation of any lieutenant colonel commandant, major or captain, the next officer in rank in his respective command shall be considered as the commanding officer during such vacancy, and liable to perform the duties required by this act; and for his neglect therein shall incur the penalties annexed thereto.

SEC. 23d. *And be it further enacted*, That it shall be the duty of every commander of a regiment, battalion or company at every one of their respective musters, to cause the militia to be exercised and trained agreeably to the mode of discipline prescribed by congress under pain of being arrested and tried for a breach of his duty; and for this purpose the said officers are hereby authorized to order the most expert and fit person in their respective commands to perform that duty.

Sec. 24th. *And be it further enacted,* That no officer or soldier ordered or directed by this act to appear at any muster as aforesaid, shall be liable to be taken or arrested by any officer in any civil action or process whatever, on the day such person is directed to appear, or in a reasonable time either going to, continuing at, or returning home from the place appointed to muster, but every such arrest is hereby declared to be void; and every person required by this act to attend musters going to or returning from any muster shall be suffered to pass over any bridge, and shall be put over any ferry without delay, free from any charge whatever. And if any ferryman shall demand pay from or delay or refuse to put such person or persons over, he shall forfeit and pay for every such offence, the sum of one dollar, to be recovered by a warrant from a justice of the peace, one half to the informer, and the other half to the use of the county wherein the offence was committed.

Sec. 25th. *And be it further enacted,* That the commanding officer of every regiment shall cause to be purchased out of the monies arising from the fines, a set of colours for his regiment, and also a set of colours for each battalion in his regiment; he shall in like manner also procure for every company in his regiment, a drum and fife or bugle horn; and on the colours and drum shall be marked the numbers of the regiment and battalion together with the name of the county to which they belong.

Sec. 26th. *And be it further enacted,* That if a sudden invasion be made into any county in this territory, or in case of insurrection in any county, the commanding officer in such county is hereby authorized and required to

order out the whole or such part of the militia, as he may think necessary, and in such manner as he may judge best for repelling or suppressing such invasion or insurrection, or for assembling the militia required upon such invasion, or by order of the executive the same measure shall be taken to summon them as is directed in case of musters.

SEC. 27th. *And be it further enacted,* That whenever any militia shall be called forth into actual service as aforesaid, they shall be governed by the rules and articles for the government of the armies of the United States, and courts martial shall be held as therein directed to be composed of militia officers, for the trial of any person in the militia; But to the cashiering of any officer or capital punishment of any person, the approbation of the executive shall be necessary: When the militia shall be allowed the same pay and rations as are allowed by Congress to the troops in the service of the United States.

SEC. 28th. *And whereas it is necessary and expedient,* that all conduct which in a military light may be viewed as offences, should be noticed and proper tribunals instituted for the trial thereof, as also for enquiring into delinquencies and assessing fines thereon: *Be it enacted,* That the Governor shall have power to arrest the general, and order for his trial, a general court martial to consist of thirteen members, five of whom shall be field officers, and eight captains, and the proceedings of such court shall be returned to the Governor and by him transmitted to the President of the United States for his final approbation or confirmation; he shall likewise have power to arrest all other officers for misconduct, and upon trial

and conviction before a court martial they may be sentenced or cashiered. The general may arrest and bring before the court martial all officers under his command for misconduct or report thereon to the Governor for trial at his option. A lieutenant colonel commandant may arrest any officer under his command and in like manner report thereon to the governor for trial, or at the option of such lieutenant colonel commandant a general court martial to consist of nine officers may by his order be held in his county for the trial of such as may be under the rank of a field officer. The president of the said court shall be a field officer, and three at least of the members shall be captains; and where there is not a sufficient number of officers in any regiment to constitute a court where the arrest is made, the commanding officer of the regiment may call on the commanding officer of any adjacent regiment to order as many officers from such regiment as will be sufficient to make a court. And any non-commissioned officer or soldier offending, shall be tried by a like general court martial, and may on conviction be censured or fined, at the direction of the court, not exceeding twenty dollars. For obtaining the necessary evidence for the trials aforesaid, the Governor, General or commanding officer of the regiment (as the case may be) shall issue his summons, and every person failing to attend shall forfeit and pay upon a summons from the Governor, twenty dollars, and upon a summons from the general or commanding officer of the regiment, ten dollars to be reported by the commanding officer among other delinquencies to the court martial: Provided, that a reasonable excuse shall be admitted.

Sec. 29th. *And be it further enacted, That* for the purpose of assessment of fines, on delinquents, courts martial shall be established in the following manner, viz: A regimental court martial of thirteen members shall be detailed and warned on the day of the annual muster to assemble at such convenient time and place as the commanding officer of such regiment shall direct, three of whom at least shall be captains; and a judge advocate to be appointed from time to time by the colonel or commanding officer, of the regiment from among the commissioned officers thereof. The said court shall have power to examine and determine the fines to be assessed for a default of appearance at musters & neglect of providing arms, accoutrements, & any other offences against the statutes of this territory. And it shall be the duty of the judge advocate to administer to the president and members of the same the following oath, viz: "I, A. B. do solemnly swear (or affirm) that I will diligently, impartially, and fairly examine all things brought before me as a member of this court martial, and will decide according to the best of my abilities in all cases between the territory and the delinquents to be tried, and that I will not at any time disclose, or discover the vote or opinion of any member of the court martial; nor will I at any time disclose any sentence thereof until the same shall be published by the proper authority unless called upon as a witness in a court of justice in a due course of law." And the said judge advocate shall also take the following oath to be administered to him by the president of the board. "I do solemnly swear (or affirm) that I will to the best of my abilities and judgment execute the duties of judge-advocate of

the court martial, without partiality, favor or affection, and that I will not at any time disclose or discover, the vote or opinion of any member thereof, nor the sentence of the court until published by the proper authority, unless required to give evidence thereof by a court of justice in a due course of law. And it shall also be the duty of the judge advocate to prosecute in behalf of the territory, all delinquencies and offences cognizable by and which may come before the said court, and he shall also make out a fair transcript of its proceedings which being signed by the president and attested by himself, he shall within ten days after the adjournment of said board transmit to the commanding officer of his regiment.

SEC. 30th. *And be it further enacted,* That when such court shall have been held for the assessment of fines only, it shall be the duty of the commanding officer immediately upon the receipt of such transcript to direct the adjutant of said regiment to make out warrants directed to the serjeant major in each battalion in the following form: Mississippi Territory of the United States, county of _____, to A. B. Serjeant Major of the battalion of the _____ regiment, on the _____ day of _____ 181_____ for the purpose of assessing fines on delinquents the same court did assess the following fines, viz :

A. B. Serjeant in Capt.
company of the sum of *Dols.*

C. D. Corporal of Capt.
company, - *Dols.*

E. F. Private of Capt.
company, - *Dols.*

You are therefore, hereby commanded, that of the goods and chattels of the said delinquents you cause to be made the sums annexed to

their respective names in the above warrant to satisfy the fines aforesaid, together with twenty five cents, your fees from each and every of the said delinquents, and that you return said money to the paymaster of said regiment within thirty days from the date herein, whose receipt for said sums annexed to this warrant shall be your discharge.

Given under my hand and seal this
day of 181

A. B. *Lieut Col. Comr.*
Regt. of Mississippi militia,

ATTEST.

C. D. *Lieut. and Adj.*

the adjutant of the respective regiments, on warrant issued by the commanding officer of their regiment shall collect all fines imposed by any court martial upon any commissioned officer and account for the same, in the same manner as the serjeant major is directed to account for the fines collected by him in pursuance of the proceeding section. And the adjutant of the senior regiment of Adams county, be and he is hereby authorized to collect all fines which may be assessed by a court martial on the brigade major, on a warrant issued by the commander in chief, and pay the same over to the territorial treasurer and take his receipt for the same, which receipt he shall present to the brigade major whose duty it shall be to record the same in his office.

SEC. 32d. *And be it further enacted:* That it shall be the duty of the said serjeant majors respectively within thirty days after receiving the said warrants to collect and pay into the hands of the regimental paymasters the amount of the fines so assessed, and whose receipt made on the back of, or annexed to the said warrant,

shall be a sufficient discharge of his duty, and cancel the bond herein after mentioned ; and which said warrant and receipt he shall deliver to the adjutant of the said regiment to be by him filed among the regimental papers, and who shall give to the said serjeant major a certificate thereof.

SEC. 33d. *And be it further enacted,* That each serjeant major previous to his receiving a warrant for the collection of fines as aforesaid, shall execute a bond with sufficient security (to be approved of by the colonel or the commanding officer of the respective regiments) in double the amount of the sum to be collected, conditioned for the due performance thereof and which bond shall be deposited in the adjutant's office, and it shall be the duty of the said adjutant to cancel the bond on the return of the serjeant major as aforesaid, by cutting off and returning to him the signature, together with the seals of the said serjeant major, and his securities, keeping the bond so cancelled on his files.

SEC. 34th. *And be it further enacted,* That Battalion courts martial to consist of five members, one of whom to be a captain, shall be notified and warned, on the days of battalion musters, and proceed in the same manner against delinquents as is directed in the preceding sections to regimental courts martial ; Provided always, that the appointment of the judge advocate and the approval of the sentences are made by the commanding officer of the regiment, and the fines which said courts shall assess be collected on a like warrant, and in the same manner by the serjeant major of the respective battalions.

SEC. 35th. *And be it further enacted,* That

the judge advocate of said court shall perform the same duties, and receive a like compensation for his services as for similar services performed at regimental courts martial.

SEC. 36th. *And be it further enacted,* That each and every judge advocate shall receive for his services, the sum of three dollars for each and every day he shall be employed in attending either of said courts, in transcribing their proceedings, and making out its records, for which the president thereof shall give him a certificate, stating particularly the number of days the said officer was so employed, and on which certificate after the same shall have been countersigned by the commanding officer of the regiment, the auditor of public accounts shall issue his certificate to the territorial treasurer to pay the sum out of any monies not otherwise appropriated.

SEC. 37th. *And be it further enacted,* That the several captains of companies shall make return of all delinquencies which have occurred at their respective company musters, to the president of the respective battalion court martial, and which delinquencies the said court shall proceed to try, examine and determine on, in the same manner as of those which occurred at any other times, and assess the fines in the like manner.

SEC. 38th. *And be it further enacted,* That at least fifteen days notice of the time and place where said courts martial are intended to be held, shall be given in one of the public Gazettes printed in the territory, or at three or more public places within their respective counties; which shall be deemed a sufficient notice to defaulters to attend and offer their excuses, and on failure of which attendance, the court,

may proceed to try and pass sentence as if they were present.

SEC. 39th. *And be it further enacted,* That it shall be the duty of the commanding officers of the respective regiments to procure colours, drums, fifes and bugle horns for their respective regiments, for the defraying the expence of which all monies collected for fines shall be appropriated and paid for by warrant, signed by said commanding officer directed to the regimental pay-master.

SEC. 40th. *And be it further enacted,* That the regimental pay-master, previous to his entering on the duties of his office, shall execute bond with sufficient security to the Governor of the territory, in the penal sum of five hundred dollars for the faithful performance of his duty.

SEC. 41st. *And be it further enacted,* That it shall be the duty of the pay-master, to keep fair books of accounts of all sums by him received, and of disbursements made as aforesaid, it shall be his further duty annually in the month of December, to make out and render to the commanding officer of his regiment a fair transcript of his said accounts; stating all said disbursements, and such balance if any, as may remain in his hands, and if any balance should so remain, he shall forthwith pay the same into the territorial treasury.

SEC. 42d. *And be it further enacted,* That the said regimental pay-masters may keep and retain from the amount of all monies they may receive, the sum of five per centum, as a full compensation, and no more.

SEC. 43th. *And be it further enacted,* That for mal-conduct in office, the said pay-master shall be liable to be arrested and proceeded a-

gainst in the same manner as is directed by this act, against the brigade major and adjutants, and shall besides be liable to an action of damages on their bonds before any court, having jurisdiction thereof.

SEC. 44th. *And be it further enacted, That* it shall be the duty of the commanding officers of regiments on receiving from the pay-masters, the transcripts of their accounts as aforesaid to transmit a copy thereof within five days to the brigade-major, to be by him laid before the commander in chief, and another copy thereof, to the territorial treasurer.

SEC. 45th. *And be it further enacted, That* for enforcing obedience to this act, the following forfeitures and penalties shall be incurred for delinquencies, to wit : by a lieutenant colonel commandant or a commanding officer of a regiment, for failing to summons any court or board, or to transmit any recommendation of any officer or officers to the Governor, or to report delinquencies, or to appoint regimental or battalion musters, or to deliver any commission or commissions, or to make return of his regiment as by this act directed, one hundred dollars ; for failing to send into actual service any militia legally called for, or to call out his militia upon any invasion or insurrection of his county, two hundred dollars. By a major, for failing to attend any court or board, or to give notice of any regimental or battalion muster, or to examine his battalion, or to report delinquencies, or to make any return as directed by this act, twenty-five dollars ; for failing to call forth from his battalion with due despatch, any detachment of men and officers, as shall be required from time to time by the commanding officer, on any call from the Go-

verner, invasion of, or insurrection in his county, or requisition from a neighbouring county, eighty dollars; by a captain for failing to attend any court, or to enroll his company, or to appoint private musters, or to give notice of regimental or battalion musters or to attend any muster, armed and equipped, or to call or cause his roll to be called, or to examine his company and report delinquencies, or to make any return as directed by this act, twenty dollars; for failing to call forth such officers and men as shall from time to time be legally called for from his company, upon invasion or insurrections in his county, or requisition from the adjacent county, or failing on any such occasion to repair to the place of rendezvous forty dollars; by a subaltern officer for failing to attend any court or muster, armed and equipped as directed, ten dollars; for failing to repair to the place of rendezvous, armed and equipped as required, when ordered upon any call from the Governor, invasion of, or insurrection in his county, or requisition from a neighbouring county, twenty dollars; and moreover, the said officers for any of the said offences shall be liable to arrest and trial as military offenders. By a non-commissioned officer or private, for failing to repair to his place of rendezvous when ordered, upon any call from the Governor, invasion of, or insurrection in his county, or requisition from a neighbouring county, the sum of ten dollars. Provided always, that a reasonable excuse shall be admitted.

Sec. 46th. *And be it further enabled,* That if any noncommissioned officer or private shall absent himself from any company muster, being duly notified thereof, he shall be fined for every such offence in a sum not exceeding two dol-

lars, nor less than one dollar ; for the same offence at any battalion muster, he shall be fined in a sum not exceeding three dollars, nor less than one dollar and an half ; and for a similar offence at a regimental muster, he shall be fined in a sum not exceeding four dollars, nor less than two dollars.

SEC. 47th. *And be it further enacted,* That if the brigade major shall omit to perform any of the duties hereby required of him, he shall for every omission be fined in a sum not exceeding one hundred dollars at the discretion of the court martial.

SEC. 48th. *And be it further enacted,* That if any commissioned, non-commissioned officer or private shall appear at any battalion or regimental muster without being armed and accoutred as the law directs, and not in the uniform prescribed ; such commissioned officer shall be arrested and tried by a court martial for disobedience of orders ; and such non-commissioned officer and private for every such offence shall be fined in the sum of two dollars, whenever sufficient arms can be procured upon moderate terms in the opinion of a court martial. Provided, that every non-commissioned officer shall be allowed one month after the receipt of his appointment, to provide himself with such arms and uniform as are required by law.

SEC. 49th. *And be it further enacted,* That courts martial may exempt any militia-man from duty on account of bodily infirmity, and may again direct such person to be enrolled when able to do duty.

SEC. 50th. *And be it further enacted,* That the companies of each regiment or battalion shall take post in the same according to the age

of the commissions of the several captains, and if two or more officers of the same grade shall have commissions of equal date; the priority shall be decided by drawing lots in the presence of a majority of the field officers of the regiment or battalion, which lots shall be marked on the several commissions, and forever conclude the parties.

SEC. 51st. *And be it further enacted,* That the governor of this territory, shall prescribe the colour, and fashion of the uniform cloathing or regimentals for the officers and privates of the militia, and that in three months after the same shall be announced in general orders, it shall be deemed a duty to conform strictly thereto.

SEC. 52d. *And be it further enacted,* That the Governor shall have authority from time to time to appoint a number of aides, not exceeding four, as to him may appear proper. The first aid-de-camp to be appointed, to rank as lieutenant colonel, and the three other aid-de-camps to rank as majors.

SEC. 53d. *And be it further enacted,* That an act entitled "an act to organize the militia" and all acts and parts of acts coming within the purview of this act be, and the same are hereby repealed.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 23, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To establish a Bank in the Mississippi territory.

Whereas the establishment of a BANK in this Territory, would tend greatly to promote its Agriculture and Commercial interests :

SEC. 1st. *BE it therefore enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That a Bank shall be established in the City of Natchez, the capital stock of which, shall not exceed five hundred thousand dollars, divided into five thousand shares, of one hundred dollars each, and that subscriptions towards constituting said stock shall, as soon as may be after the passing of this act, be opened in the said City, under the superintendence of Francis X. Martin, Ferdinand L. Claiborne, John Steele, Abner Green, Abijah Hunt, Samuel Postlethwait, Ebenezer Reese, Cowles Mead, Joseph Sessions, William B. Shields, Winthrop Sargeant, Alexander Montgomery and Lyman Harding, and shall remain open until the sum of fifty thousand dollars shall be subscribed, and the money thus subscribed shall be paid one eighth part thereof, at the time of subscribing. Three eighth parts thereof as soon as the Bank may be carried into operation, when the directors shall give notice thereof, by advertisement to be published in some Newspaper published in the said City of Natchez, at least thirty days previously to the day on which the subscribers shall be required to pay the same; and the remainder at two equal instalments, at sixty, and one hundred and twenty days thereafter; and as soon as the sum of fifty thousand dollars shall be subscribed, the subscribers, their successors,

or assigns shall be a body politic and corporate, by the name and style of the "President and Directors, and company of the Bank of the Mississippi," and shall so continue until the last day of December, one thousand eight hundred and thirty four; and by that name shall be able and capable in law to have, purchase, receive, possess, enjoy and retain, to the use of them, and their successors; lands, tenements, hereditaments, goods, chattels and effects, of what kind, nature, or equality soever, to an amount not exceeding the sum of six hundred thousand dollars; and the same to grant, alien or dispose of at pleasure, and shall by the name aforesaid, be capable and liable in law to sue and be sued, plead and be impleaded, answer and be answered, defend and be defended, in any suit, action, matter or thing, depending in any court of law, or equity; and also, to have and keep a common seal, and the same to break, alter or amend at pleasure; and also to ordain, establish and put in execution such byelaws, ordinances and regulations, not contrary to the laws of the United States, or of this territory, as they may deem necessary and expedient for the good government of the said corporation, and generally, to do and execute all and singular, acts, matters and things which to them may appear necessary, or are incident to bodies corporate, subject to the rules and regulations hereinafter prescribed and declared.

SEC. 2d. *And be it further enacted.* That the following rules and regulations, shall form and be the fundamental articles of the constitution of said corporation.

1st. Every stockholder shall be eligible as a director, and shall at all meetings of the stock-

holders be entitled to one vote for every share he may hold; Provided, that the same shall have been transferred at least ninety days before the meeting.

2d. No director shall receive any emolument for his services as director, but it shall be lawful for the President to receive such compensation as the stockholders shall, at a general meeting assign to him.

3d. Five directors shall constitute a board for the transaction of business, of whom the president shall always be one, except in case of sickness or necessary and unavoidable absence; in either of which cases it shall be lawful for him to name a director to preside in his stead.

4th. It shall be lawful for the directors to call a meeting of the stockholders at any time when they may deem it necessary and expedient.

5th. The directors shall have power at all times to open subscriptions for stock, until the whole capital stock shall be subscribed: Provided, that no person shall subscribe for more than ten shares within the first ten days after the subscription shall be opened.

6th. The cashier or other officers, clerks and servants of the corporation, shall previously to entering on the duties of their offices, respectively give bond with such security, and in such form as the directors shall require, conditioned for the faithful discharge of their duties respectively.

7th. The total amount of the bills emitted by the corporation, shall never exceed three times the amount of the capital stock, actually paid in, and the amount of monies actually deposited for safe keeping; in case of excess, the directors under whose administration it shall

happen, shall be liable for the same, in their natural and private capacities ; but the corporation shall not on that account be the less liable and chargeable with such excess : Such of the directors as may have been absent when the said excess was contracted or created may respectively exonerate themselves from being so liable, by forthwith giving notice of the fact, and of their absence or dissent, to the stock holders at a general meeting, which they shall have power to call for that purpose.

8th. The corporation shall not take more than six per centum per annum for, and upon its loans and discounts.

9th. The stock of the corporation shall be assignable and transferable according to such rules as may be made in that behalf by the directors.

10th. All bills and notes which may be issued by order of the corporation, signed by the president and counter-signed by the cashier, shall be binding and obligatory upon the corporation.

11th. Half yearly dividends shall be made of so much of the profits of the Bank, as shall appear to the directors advisable.

SEC. 3d. *And be it further enacted*, That if any person or persons shall become indebted to said corporation as maker or endorser of any note, bill or bond, expressly made negotiable and payable at the said Bank (and no bill, note or bond, shall be negotiable at said Bank unless it shall be so expressed in the face of such bill, note or bond) and shall delay payment thereof, it shall be lawful for the corporation after having given at least ten days previous notice thereof, to move for judgment and the award of execution against such debtor, in any court of

record within this territory. *Provided never-*
 the less, that if the defendant or defendants,
 shall appear and contest the claim, the court
 shall instantly, impanel a jury to try the issue,
 and thereon give judgment accordingly.

SEC. 4th. *And be it further enacted,* That
 as soon as the sum of fifty thousand dollars
 shall be subscribed with the superintendants, it
 shall be lawful for them to rent or lease a house,
 and fit it for the business of the Bank ; to pro-
 cure paper, plates, chests, books, stationery and
 whatever may be necessary to begin the opera-
 tions of the bank ; and as soon as they shall have
 made such progress therein, as will justify the
 measure, call a meeting of the stock holders in
 the city of Natchez, of which they shall give
 public notice for twenty days ; and at such
 meeting of the stock-holders they shall proceed
 to the election of thirteen directors, who shall
 continue in office until the first Monday in
 January, one thousand eight hundred and
 twelve ; when there shall be a new election,
 and so on, in each and every year, on the same
 day until the dissolution of the corporation ;
 and the directors then appointed, shall be in of-
 fice for one year : Immediately after each elec-
 tion, the directors shall meet and choose one of
 their own body as president. In case of death,
 resignation or absence of a director out of the
 territory, for upwards of six months, the vacan-
 cy may be supplied by a majority of the board.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 23 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Providing for the payment of certain claims therein mentioned.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That the auditor of public accounts be, and he is hereby authorized and required to issue his warrant on the territorial treasury in favour of Thomas Malone, for the sum of one hundred and nineteen dollars, in full compensation for certain services by him rendered as clerk of Washington county, in certain criminal prosecutions, in the year one thousand eight hundred and two; also in favor of James Stringfellow, for the sum of thirty-five dollars, in full compensation for making two tables and a bar for the use of the general assembly at their present session; also, in favor of Samuel and Timothy Terrell for the sum of five hundred and fifty-four dollars and seventy-five cents, in full compensation for public printing done by them in the years one thousand eight hundred and five, and one thousand eight hundred and seven; also, in favor of John Leyburn for twenty-four dollars, for six days service as a justice of the quorum for Claiborne county, in the year one thousand eight hundred and eight, the certificate for which was casually destroyed; also, in favor of Robert Mosely, for the sum of thirty-two dollars in full compensation for self and Guard, for conveying an Indian, charged with a felony, in the year one thousand eight hundred and seven, from Adams to Wilkinson county jail; also, in favor of Ralph Regan, late Sheriff of Claiborne county, in full compen-

sation for hiring and finding a guard for the safe-keeping of prisoners in said county Jail, in the year one thousand eight hundred and five, for the sum of one hundred fifty-seven dollars and fifty cents; also, in favor of Beverly R. Grayson for the sum of forty-five dollars for copying the journals of the House of Representatives, and several memorials in the year one thousand eight hundred and seven; also, in favor of Beverly R. Grayson, for twenty-four dollars, in full compensation for furnishing the several tax collectors with copies of "an act to raise supplies and make appropriations for the year one thousand eight hundred and eight," and of an act supplementary to an act for the appointment of collectors, &c. in pursuance of a provision of the general assembly; also, in favor of Francis Nailor, in full compensation for maintaining James Hughes, committed on a charge of felony, to Adams county jail, in the year one thousand eight hundred and six the sum of twenty eight dollars and fifteen cents.

SEC. 2d. *And be it further enacted,* That the treasurer of Adams county be, and he is hereby directed and required to pay Daniel Whitaker, his executor or administrator, out of any money in his hands, not otherwise appropriated, the sum of seventy-nine dollars and sixty-two cents, in full compensation for certain services rendered by the said Whitaker as overseer of the Poor, in the year one thousand eight hundred and eight.

SEC. 3d. *And be it further enacted,* That the treasurer of Adams county, pay unto Francis Nailor, out of any money in his hands not otherwise appropriated, the sum of two hundred and seventy-seven dollars, in full compensation for certain services rendered, and arti-

ables furnished, as jailor of the said county, and furnishing a house occupied as a court-house for the years eighteen hundred and six, eighteen hundred and seven, and eighteen hundred and eight; also, that the said treasurer pay Davis Gore, the sum of seventy dollars, in full compensation for boarding and attending John Neilson a pauper, in the year eighteen hundred and six; and also that the said treasurer pay Israel Leonard, the sum of seven hundred and fifty dollars in full compensation for a negro man slave, named Samuel, who escaped and was lost to the said Leonard in consequence of the insufficiency of the jail of the said county, in the year eighteen hundred and four; also, that he pay unto Benajah Ommun, the sum of fifty-two dollars, in full compensation for certain services rendered as lieutenant colonel commandant, of the militia of Adams county, in the year one thousand eight hundred and two.

SEC. 4th. *And be it further enacted,* That the auditor of public accounts in a settlement with Montfort Calvit, collector of the taxes for Adams county, for the year eighteen hundred and six, allow him for insolvencies, of that year, the sum of three hundred and sixty-one dollars and fifty-four cents; and the sum of one hundred and twenty-three dollars and seventy-two and an half cents, the amount of insolvencies arising on executions issued by the collector of the taxes of the said county of Adams, and put into the hands of Montfort Calvit for the year eighteen hundred and seven; also, that the auditor of public accounts in a settlement with the said Montfort Calvit, allow him a discount of the amount of the territorial tax charged to him or Billiard

tables, in the year eighteen hundred and six; and also, that the county treasurer for Adams county remit to Montfort Calvit any tax with which he may stand charged on account of Billiard tables, for the year eighteen hundred and six, and the sum of one hundred and forty-one dollars and thirteen cents for insolvencies for the same year; also, that the auditor of public accounts issue his warrant on the territorial treasurer in favor of John W. Winn and company for the sum of nine hundred and sixty dollars, in full for public printing done in the years eighteen hundred and eight and nine; also, that the auditor of public accounts issue his warrant on the territorial treasurer in favor of Charles and Abraham De France for the sum of one hundred and twelve dollars, in full for a house furnished the Legislature during their session of eighteen hundred and eight and nine; also, in favor of Abraham De France, for the sum of fifty four dollars, for the rent of a room and furniture eighteen days, for the use of the supreme court; also, in favor of Park Walton for copying the laws passed at the second session of the fourth general assembly, for the sum of thirty dollars and ten cents; also, in favor of Daniel Beaseley for the sum of thirty dollars, thirteen and three fourths cents; and further, that the said Daniel Beasley be released of the sum of fifteen dollars and six and three fourths cents, of general county taxes, which he owes to Jefferson county as collector of that county, for the year eighteen hundred and six, and released of the sum of eighty two dollars eighty-seven and an half cents, special county tax due from him to the said county for the same year; also, that the auditor of public accounts, issue his warrant on the territorial

treasurer, in favor of Andrew Marchalk, for the sum of one hundred and twenty four dollars in full of two accounts allowed him ; also, in favor of Edward Turner, for the sum of twenty-five dollars, for acting as attorney general, at a circuit court of Jefferson county, for one court, whilst the office of attorney general was vacant ; also, in favor of Lyman Harding, for the sum of four hundred and thirty-three dollars and eighty-eight and an half cents ; also, in favor of Elizabeth Greenfield for the sum of thirty-three dollars and ninety-seven and an half cents, for taxes paid in Claiborne county for the year eighteen hundred and five, when taxes had been paid on the same property in Adams county for the same year ; also, in favor of Ebenezer Reese for the sum of one hundred and five dollars, for the rent of a house for the use of the supreme court, from the twenty-seventh day of october, to the twenty-eighth day of January, at thirty-five dollars per month ; also, in favor of Abraham Ellis, for the sum of twenty-six dollars, and sixty-eight dollars for taxes improperly taxed upon him, and paid by him in the years eighteen hundred and five and six ; and also, that the county treasurer of Jefferson county, pay the said Abraham Ellis the sum of fifty-eight dollars and twenty-nine cents, for county taxes paid by him for the same year ; and that the county treasurer of Adams county pay to Robert H. Morrow, the sum of two hundred and seven dollars and fifty cents, allowed him for keeping and maintaining paupers ; to Henry Hunt the sum of twenty-four dollars and thirty-eight cents for keeping and maintaining a pauper ; & to George Newman, the sum of fifty-one dollars and fifty cents, for sundry services of a similar nature.

SEC. 5th. *And be it further enacted,* That the commissioners appointed under "an act to establish the site or justice of the county of Adams at the town Washington," pay into the county treasury of said county the paper by them received of the collector under said law, to the amount of one thousand six hundred dollars, and that the county treasurer of said county pay John Foster in specie, the sum of one thousand six hundred dollars with interest thereon from the first day of September, one thousand eight hundred and eight, out of any monies in his hands not otherwise appropriated.

SEC. 6th. *And be it further enacted,* That the auditor of public accounts allow to Thomas Hinds, assessor and collector of the territorial taxes of Jefferson county, for the year eighteen hundred and eight, in a settlement with him, the sum of one hundred and ninety-five dollars forty three & an half cents, the amount of taxes improperly assessed in said county for the said year, eighteen hundred and eight, and which sum is charged to him in his account with the territory as collector aforesaid.

FERDINAND L. CLAIBORNE

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 23 of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

To prevent the Sacrifice of property.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That when any judgment shall be obtained for any debt or damages in any court within this territory, against any debtor or debtors at any time after the passage of this act, it shall nor be lawful for the clerk of such court to issue execution until after the expiration of ten days from the adjournment of said court, and if the debtor or debtors against whom such judgment was obtained shall within the time aforesaid enter into bond with sufficient security as shall be provided by the clerk of said court, to pay the said judgment and costs with six per cent interest thereon, on or before the first day of March, 1811. That then and in that case it shall be the duty of said clerk to stay execution and all further proceedings there on until the first day of March, 1811; and the bond so taken shall be lodged in the clerks office of said county and shall have the force and effect of a judgment, and if the obligor or obligors shall not pay off and discharge the same on the aforesaid day, it shall be the duty of the clerk to issue execution thereon against the principal & his securities for the full amount of such judgment, or so much thereof as shall remain unpaid, together with the interest and costs.

SEC. 2d. *And be it further enacted,* That when any judgment shall be obtained before any justice of the peace against any debtor or debtors, it shall be the duty of such justice of the

peace before whom such judgment shall be obtained, to stay execution & all further proceedings until the first day of March, in the year of our Lord 1811, on such debtor or debtors giving sufficient security as shall be approved of by the said justice for the stay of execution, and if such judgment with six per cent interest thereon be not paid and satisfied by the first day of March, in the year of our Lord 1811, then it shall be the duty of such justice on application to award execution instanter, against the principal and his security for the full amount of such judgment, or so much thereof as shall remain unsatisfied together with interest and costs.

SEC. 3d. *And be it further enacted,* That it shall be the duty of every sheriff, coroner, or constable, to whom any execution has been, or shall hereafter be directed to stay all further proceedings thereon, on the person or persons against whom such execution shall have issued, first giving bond and sufficient security or securities in the full sum specified in the execution, payable to him, her or them for whole debt or damages such execution aforesaid has issued for the whole debt or damages expressed in said execution, which bond together with the execution, the sheriff, coroner or constable shall return to the court, or justice of the peace, to whom the same shall be returnable, and the court or justice of the peace on such return being made, shall stay all further proceedings on such execution until the expiration of the time specified in the 1st. and 3d. sections of this act, and at the expiration of such time it shall be the duty of the clerk of said court, or justice respectively, to issue execution against the principal and his security or securities for the full amount of such bond or so much thereof as

shall remain unpaid, together with the lawful interest thereon.

SEC. 4th. *And be it further enacted,* That when any sheriff, coroner or constable has levied, or shall hereafter have levied on any goods chattels, lands and tenements by virtue of any execution, or has arrested and imprisoned any person by virtue of any writ of Capias ad satisfaciendum which has or shall after the passage of this act, have issued for any debt or damages, it shall be the duty of such sheriff, coroner or constable, on bond and sufficient security being given, as prescribed in the third section of this act, to deliver the property levied on, to the debtor on demand, and release the person arrested, or imprisoned, from custody.

SEC. 5th. *And be it further enacted,* That nothing in this act contained shall be deemed to apply to lawyers, clerks, sheriffs, coroners, constables, tax-collectors and their securities who have received or collected money due to others, or to the territory, but who are bound to pay the same over; and the same process and remedy shall be had and obtained against them in the same manner as though this act had not passed.

SEC. 6th. *And be it further enacted,* That nothing in this act contained shall be construed to prevent clerks, sheriffs, tax-collectors, coroners, county treasurers commissioners of public buildings, the overseers of roads, the auditor of public accounts and the territorial treasurer from collecting such money, as shall be due to the territory or any county thereof.

SEC. 7th. *And be it further enacted,* That the ninth and tenth sections of the act entitled "an act concerning executions and for the

relief of insolvent debtors," passed the 7th day of February, 1807, and all other parts of acts which authorize the taking of forth coming bonds be, and the same are hereby repealed.

SEC. 8th. *And be it further enacted,* That the clerks and sheriffs respectively, in this territory shall receive seventy-five cents for each and every bond taken under this act, but no sheriff shall receive any commission on any judgment, unless the money is actually paid.

FERDINAND L. CLATBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 23, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

Declaring an ordinance of the Mayor, Alderman and Assistants of the city of Natchez, ordained and published the fourteenth day of October, one thousand eight hundred and nine, null and void.

Whereas the said mayor, aldermen and assistants did by ordinance, regularly ordained and published on the fifteenth day of April, one thousand eight hundred nine, declare that no fee or salary should after the passage of the said ordinance be allowed to the mayor, recorder, clerk, marshal or any other officer of the said city, except as therein excepted; And the said mayor, aldermen and assistants, did afterwards, on the fourteenth day of October, one thousand eight hundred and nine, ordain that the said mayor and recorder should be entitled to their salaries at the rate of two hundred and fifty dol-

lars per year, from the fifteenth day of April then preceeding until the passing of the last mentioned ordinance ; and also, authorized the levying a tax on cart licences, contrary to the provisions of the act erecting the town of Natchez into a city and incorporating the same.

Therefore, be it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,
That the said ordinance of the mayor, Aldermen and assistants of the said city of Natchez, entitled "an ordinance to repeal certain ordinances and parts of ordinances therein mentioned, and for other purposes" as far as relates to allowing any salary, or fee to the said mayor, recorder or other officer of the said city, contrary to the provisions of the said first mentioned ordinance, during its continuance in force, and as far as it goes to lay a tax on cart-licences be, and the same is hereby declared null and void.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 23, December, 1809.

DAVID HOLMES, *Governor*

of the Mississippi Territory.

AN ACT

Respecting the Auditor of public accounts and the territorial treasurer.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly con-*

enacted, That from and after the passing of this act, the auditor of public accounts shall be entitled to receive as compensation for his services, including office rent and stationary, at the rate of seven hundred and fifty dollars per annum, to be paid quarter yearly, out of the territorial treasury upon the order of the auditor of public accounts; and the territorial treasurer shall be entitled to receive for his services, including office rent and stationary, at the rate of seven hundred and fifty dollars per annum, to be paid quarter yearly out of any money in the territorial treasury, upon a warrant from the auditor of public accounts.

SEC. 2d. *And be it further enacted*, That from and after the passing of this act, the auditor of public accounts shall not issue any warrant upon any allowance made to, or claim in favor of any person, his agent or assignee who may be a debtor to the territory, but shall allow such person a credit on his account, for such allowance or claim.

SEC. 3d. *And be it further enacted*, That it shall be the duty of the auditor of public accounts, to render to the territorial treasurer monthly, an account of all warrants that shall have been issued by him on the territorial treasurer, during the preceeding month.

SEC. 4th. *And be it further enacted*, That all acts and parts of acts coming within the purview of this act, be, and the same are hereby repealed.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 23, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

AN ACT

To amend an act entitled "an act establishing the fees of the several officers therein named" for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That the several notaries public commissioned agreeably to law, shall be authorized to demand and receive the following fees for their services herein after mentioned, and no more, viz :

For a protest of any bill, registering and seal,	dols. 1	50
Attesting letters of attorney, and seal,		50
Notarial affidavit to an account, and seal,	37	1-2
Registering a foreign bill protested, with certificates,		75
Registering a protest of a bill of exchange or promissory note for non-acceptance or non-payment,		50
Noting a bill of exchange, or note either for non-acceptance or non-payment,		50
For every oath or affirmation,		25
Notarial procuration and seal,	1	00
Certificates of sales at auction,		75
Taking proof of debts to be sent abroad ; proof and acknowledgment of letters of attorney,		75

SEC. 2d. *And be it further enacted,* That the fees of the clerk of the superior court of Washington district shall be the same as those of the clerks of the circuit and superior courts

respectively, in all cases which are not already provided for by law.

SEC. 3d. *And be it further enacted*, That the fees of attornies shall be as follows, viz :

Tax fee in county courts,	dols. 5 00
Tax fee in circuit or superior court,	8 00
Tax fee in every suit in chancery,	15 00

SEC. 4th. *And be it further enacted*, That each petit juror shall be allowed the sum of one dollar for each and every day he shall attend any court as a juror; and the clerk of said court is hereby required to issue his certificate accordingly; and for establishing a fund for the aforesaid purpose, the sum of two dollars shall be taxed in the bill of cost on all suits now depending in any court in this territory, or which may hereafter be commenced, as aforesaid, which sums the clerks respectively shall pay over quarterly, or so much thereof as may be collected to the county treasurer, who shall appropriate the same for payment of said jurors, and no other purpose.

SEC. 5th. *And be it further enacted*, That there shall be allowed by the county courts to their clerks respectively, for all public services by them rendered, the sum of twenty five dollars per annum, to be paid by the county, and no more.

SEC. 6th. *And be it further enacted*, That there shall be allowed by the justices of the county courts, and the judges of the superior or circuit courts, to the sheriff of such counties respectively, for all public services by him rendered, the sum of twenty-five dollars per annum, from each court, and no more, which allowance shall be certified to the auditor of public accounts, and he shall be thereupon authorized to issue his warrant on the territorial treasury for the amount so allowed and certified.

SEC. 7th. *And be it further enacted, That there shall be allowed by the circuit or superior court of law and equity, held in each county, to the clerk of each of said courts, for all public services by him rendered, the sum of twenty-four dollars to be paid out of the territorial treasury, on certificate to the auditor of public accounts, and no more.*

SEC. 8th. *And be it further enacted, That the fourth, sixth and seventh sections of the act entitled "an act establishing the fees of the several officers therein named and for other purposes" passed on the sixth of February, 1807, be, and the same are hereby repealed.*

FERDINAND L. CLAIBORNE,
Speaker of the House of Representatives,
ALEXANDER MONTGOMERY,
President of the Legislative council.

Approved, 23 December, 1809.

DAVID HOLMES, *Governor*
of the Mississippi territory.

AN ACT

Establishing county courts in the counties of Baldwin, Washington and Wayne, and for other purposes.

SECTION, 1st. *BE it enacted by the Legislative council and the House of Representatives of the Mississippi territory in general assembly convened, That there shall be held in the county of Washington, at the place fixed on by law for holding the county courts of said county, a court which shall be called the superior court of Washington district, which court shall have, possess and exercise within the district of Wash-*

ington as heretofore established by law, the jurisdiction heretofore possessed and exercised by the said court within the said district of Washington.

SEC. 2d. *And be it further enacted,* That there shall be held in each of the counties of Baldwin, Washington and Wayne, a county court, at the times following, to wit: in the county of Baldwin, on the first Mondays in April and October; in the county of Washington, on the second Mondays in April and October; in the county of Wayne on the third Mondays in April and October, which courts shall severally have and possess all the powers now possessed and exercised by the other county courts in this territory.

SEC. 3d. *And be it further enacted,* That if any of the aforesaid courts shall from want of buildings or other cause be unable to hold courts at the places fixed upon by the commissioners for the site of justice in said county, that then and in that case the said court shall have power and authority to adjourn the said court to some convenient place, contiguous to the place so fixed upon by the commissioners, until the court-house for said county is completed, at which time the courts of said county shall stand adjourned to said court-house.

SEC. 4th. *And be it further enacted,* That the assessors and collectors of the taxes for Baldwin and Wayne counties shall and they are hereby declared to be, in the same situation, in every respect, as the assessors and collectors of Washington county.

SEC. 5th. *And be it further enacted,* That all acts and parts of acts coming within the

purview and meaning of this act be, and they are hereby repealed.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 23 of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

AN ACT

To make appropriations for the year eighteen hundred and ten, and for other purposes.

SECTION 1st. *BE it enacted by the Legislative Council and House of Representatives of the Mississippi Territory in General assembly convened,* That the following sums be respectively appropriated for the salaries of public officers, and the expences of government ; for the salary of the auditor of public accounts, seven hundred and fifty dollars ; for the salary of the territorial treasurer, seven hundred and fifty dollars ; for the salaries of attornies general, twelve hundred and fifty dollars ; for the salary of the brigade major, five hundred dollars ; for the territorial treasurer, for amount due him on settlement of his account at the present session ; one thousand seven hundred and sixty eight dollars and seventy-three and an half cents ; also, in favor of said treasurer for defraying the expence of procuring standard weights and measures for this territory, &c each county thereof ; eight hundred dollars ; for amount due the members of the legislative

council, and house of representatives, their clerks and officers, for the last and present sessions ; nine thousand dollars, for the judiciary department ; two thousand dollars, for allowances made during the present session ; three thousand one hundred and forty-five dollars and thirty-eight cents ; and for other contingent expences, one thousand dollars.

SEC. 2d. *And be it further enacted,* That there shall be assessed & collected from the county of Adams, the amount of one seventh part of the territorial tax in said county, for the year one thousand eight hundred and ten, and that the same be collected by the collector of the territorial taxes for the year one thousand eight hundred and ten, in specie, and that he pay to John Foster, or order, out of the proceeds of the said tax, when collected, the sum of one thousand six hundred dollars, with interest on the same from the first day of May one thousand eight hundred and nine, until paid, in full compensation for certain real property by him sold to the commissioners appointed by law to contract with said Foster for the purchase of two acres of land in the town of Washington, whereon to erect the the public buildings for the county of Adams, and that so much of an act entitled an act to provide for the payment of certain claims therein mentioned, as comes within the purview and meaning of this section, be, and the same is hereby repealed.

SEC. 3d. *And be it further enacted,* That if any surplus shall remain, after paying the said Foster the said sum of one thousand six hundred dollars, with interest, the said collector shall pay the same into the treasury of said county, to be applied to county purposes.

SEC. 4th. *And be it further enacted,* That

SEC. 5th. *And be it further enacted,* That the aforesaid collector, before he commences the collection of the said county tax, shall give bond with sufficient security, in at least double the amount of said tax, payable to the governor and his successors in office; conditioned, that he shall collect and pay the money by him collected according to the direction of this act; and said collector shall be allowed the same compensation for collecting the said tax, as is allowed for collecting the territorial tax.

SEC. 6th. *And be it further enacted,* That the auditor of public accounts issue his warrant on the territorial treasurer, in favor of James Foster, for the sum of four hundred dollars, in full compensation for six years rent of a house in the town of Washington, occupied by the legislature of the territory during their sessions.

SEC. 7th. *And be it further enacted,* That the public printer of this territory shall be allowed for printing two hundred and fifty copies of the acts of the last and present sessions of the general assembly, at the rate of one dollar and seventy-five cents per page, for every page contained in one of said copies; for printing twenty-five copies of the act to raise a Revenue, and of the Census law, at the same rate per page. For printing forty copies of the journals of the Legislative council, the sum of one dollar and seventy-five cents per page; also, for printing forty copies of the Journals of the House of Representatives, the sum of one dollar and seventy-five cents per page; and that the auditor of public accounts be, and he is hereby authorized to issue his warrant on the territorial treasurer, in favor of said printer for the aforesaid sums of money; on the certificate of the secretary, that the same are delivered,

and the number of pages therein contained, and the sum of one thousand dollars be, and the same is hereby appropriated for the above purposes.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, December 23, 1809.

DAVID HOLMES, *Governor
of the Mississippi territory.*

A resolution relative to tax collectors.

Whereas the legislature of this territory have heretofore passed several laws authorizing the assessment and collection of county taxes for special purposes, and in some cases, such taxes have exceeded the amount required for the purposes for which such laws intended to provide, Therefore, *Be it resolved by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened,* That all surplusses of money that are now due from any collector of any special county tax, or that may arise hereafter, under any law, providing for a county tax for a special purpose, after full payment of all appropriations arising under any law raising a special county tax, shall be for general county purposes, and shall by the collector be paid over to the county treasurer of the proper county, and on failure to do so, the county treasurer, of the proper county shall have the same mode of recovering any surplus arising as aforesaid, as is given them respectively against collectors of general county

taxes, any law to the contrary notwithstanding.

FERDINAND L. CLAIRBORNE,

Speaker of the House of Representatives.

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved, 23, December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

RESOLUTION

Providing for copying the Journals of the two Houses of the General Assembly, and for printing of one hundred the "act concerning the Militia of the Mississippi Territory."

Resolved by the Legislative Council and House of Representatives of the Mississippi territory in general assembly convened, That the secretary of the council shall receive the sum of thirty-five dollars; and the clerk of the house of representatives the sum of forty-five dollars for furnishing the public printer with a copy of the Journals of the present session of the general assembly, of their respective houses; and on the printers receipt, certifying that he has been furnished with said copies, being produced to the auditor of public accounts, he shall issue his warrant on the territorial treasurer in favor of the said secretary and clerk for the amount of the above sums; and the public printer is hereby directed to print one hundred copies of the act entitled "an act concerning the militia of the Mississippi territory," on the same sized page and type as the laws of this session are directed to be printed, for which he shall be allowed at the rate of one dollar and seventy five cents per

page, for each page contained in one of said copies ; and on the certificate of the secretary of the territory, that the said copies have been printed, and certifying the number of pages, the auditor of public accounts shall issue his warrant on the territorial treasurer in favor of said printer, for the amount due for the same.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative Council.

Approved the 23 of December, 1809.

DAVID HOLMES, Governor

of the Mississippi Territory.

RESOLUTION

In favor of Charles De France.

Resolved by the Legislative council and House of Representatives of the Mississippi territory in general assembly convened; That the auditor of public accounts is hereby authorized to issue his warrant on the territorial treasurer, in favor of Charles De France, for the sum of one hundred and fifty dollars, for house rent, firewood, &c. for the legislature during the present session.

FERDINAND L. CLAIBORNE,

Speaker of the House of Representatives,

ALEXANDER MONTGOMERY,

President of the Legislative council.

Approved, 23 December, 1809.

DAVID HOLMES, Governor

of the Mississippi territory.

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